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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT

Initial report of States parties due in 1996

KYRGYZSTAN*

[Original: RUSSIAN]

[5 May 1998]

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* The annexes referred to in the report may be consulted at the Office of the United Nations High Commissioner for Human Rights.

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Introduction

1. The Kyrgyz Republic acceded to the International Covenant on Civil and Political Rights on 7 October 1994.

2. This report has been prepared on the basis of the general guidelines for the form and content of initial reports, in accordance with paragraph 1 (a) of article 40 of the Covenant. The report uses information received from the ministries, State committees and administrative departments of the Kyrgyz Republic responsible for issues pertaining to the status of individuals in the Republic and the exercise of their rights, and also from social organizations working in the field of human rights. The report gives a general outline of the status of citizens, foreigners and stateless persons in the Kyrgyz Republic, thus reflecting the interrelationship with current social and economic processes. It also gives article-by-article information on: the measures which Kyrgyzstan has undertaken to meet its commitments under the Covenant; the progress that has been made; the problems that have been encountered; and the steps that are planned for the further implementation of the Covenant.

3. The report analyses the basic legislative instruments of the Kyrgyz Republic, including the laws of the Kyrgyz Soviet Socialist Republic and the USSR still in force and legislation adopted in the process of implementing the provisions of the Covenant. The annexes reproduce the texts of statutory and other regulatory instruments and additional pertinent information.

4. The task of broadly familiarizing the public with the material contained in this report was initiated as the report was being written. In line with the Kyrgyz Government's Ordinance No. 218-r of 27 June 1997, a special commission comprising representatives of governmental and judicial structures was established to write the report. The commission held a number of meetings and consultations. The draft report was sent to all ministries, Government committees, administrative departments and non-governmental organizations, and their remarks and wishes were taken into account in the final version.

I. INTRODUCTORY SECTION

A. Land and people (core data and vital statistics)

5. In its seven years of sovereignty, the Kyrgyz Republic has successfully shown the world that it is a unique ethnic and cultural component of human civilization pursuing its own path of development and has established its place as a democratic and peace-loving State. Gaining independence did not simply bring about a mechanical transfer of power; it was a very complex and ambiguous process of transition from one status to another. In this context, the fundamental shifts that occurred in people's consciousness and psychology were also complex phenomena: for the most part, the people responded enthusiastically to the social, economic and political reforms, and this is the most important point because the people are the mainspring of the historical process and progress.

6. The Kyrgyz Republic covers an area of 199,900 square kilometres. It comprises six oblasts, 41 districts, 20 cities, 29 areas incorporated as towns, and 422 rural administrations. The capital is Bishkek (600,000 inhabitants).

7. The Kyrgyz Republic is located in the north-eastern region of Central Asia. Lying between the Pamir-Altai mountains in the south-west and the Tien Shan mountains in the north-east, Kyrgyzstan shares borders with Kazakhstan, Tajikistan, Uzbekistan and China.

8. As of 1 January 1998 the total population was 4.7 million; the urban population numbered 1.6 million (34 per cent of the total) and the rural population 3.1 million (66 per cent). There were 2.3 million males and 2.4 million females, respectively 49 and 51 per cent of the total population.

9. Age structure of the population: As of 1 January 1998 children and adolescents under 16 years of age numbered 1.8 million, representing 39 per cent of the total population. Persons of working age (males between 16 and 59 and females between 16 and 54 years of age) accounted for 51 per cent of the population. There were 0.5 million pensioners (10 per cent). The mean length of life was 62 years for males and 71 years for females.

10. The demographic situation is characterized by falling birth and crude death rates and a decline in the migratory movement of the population out of the Republic. This is particularly evident in Bishkek and Chu oblast, where the birth rate has fallen to 14.5 and 16.2 respectively.

11. The fall in the birth rate is attributable to the sharp deterioration in the social and economic condition of society. By depressing the level of family welfare, that deterioration is negatively affecting reproductive behaviour. State policy to protect the reproductive health of the population focuses on maintaining the optimum inter-pregnancy interval and is resulting in a reduced incidence of childbirth in families in risk groups in particular.

12. There were approximately 35,000 deaths in 1997 (7.5 per 1,000), a decrease compared with 1996 (7.6 per 1,000). At the same time there has been an increase in mortality from diseases such as tuberculosis and ischemic heart disease; that is linked to the decline in living conditions.

13. Despite showing some stabilization, the high levels of mortality among women during pregnancy, labour and the lying-in period, and among babies in the first year of life (maternal and infant mortality), give particular cause for alarm. In 1997, deaths in these categories numbered over 80 for women (81 per 100,000 births) and approximately 3,000 for infants (28 per 1,000 births). The principal causes of maternal mortality are renal, liver, cardiovascular and endocrine disorders and infectious diseases causing severe toxaemia accompanied by the development of multiple organ failure and postpartum haemorrhage, with subsequent fatal outcome. Respiratory disorders and perinatal complications are the main causes of infant mortality.

14. External migration in 1997 fell by a factor of 1.6 compared with the previous year to total 17,000 as against 12,000 emigrants.

15. As a result of these processes, Kyrgyzstan's population increased by 59,000 (1.3 per cent) in 1997. As of 1 January 1998, the total population was 4,666,000.

16. Ethnic composition of the population: As of 1 January 1997, Kyrgyz accounted for 60.8 per cent of the population, Russians for 15.3 per cent, Uzbeks for 14.3 per cent, and Ukrainians for 1.5 per cent. Kyrgyzstan is also home to groups of Germans, Tartars, Kazakhs, Koreans, Uigurs, Tajiks and Dungans - more than 80 nationalities in all.

17. Level of education of the population: In 1997, the number of Kyrgyz citizens with (complete or incomplete) higher and secondary education was 872 per 1,000 of population aged 15 years and over. Of this total, 101 had complete higher education; 15 had incomplete higher education; 150 had specialized secondary education, 409 had general secondary education; and 197 had incomplete secondary education.

18. The main indicator of the level and rate of the country's economic development is GDP. In 1995 there were indications that the economy had stabilized, as evidenced by slowing of the decline of GDP (GDP in 1995 was 94.6 per cent of the 1994 figure); in 1996, GDP actually grew (107.1 per cent). GDP for 1996 (in current prices) was 23,399,300 som, or 44.9 per cent higher in nominal terms than the 1995 level and 13.2 per cent higher than the GDP forecast made in the indicative plan for the social and economic development of the Kyrgyz Republic for the period 1996 to 2000. Nominal GDP for 1997 is estimated to have been 30,438,000 som, or 10.4 per cent higher in volume terms than the previous year.

19. Consumer price trends in respect of non-food goods were influenced by restrained effective demand from the population. From the beginning of the year growth in non-food prices was far lower than growth in food and service prices; it totalled 120 per cent. In 1997 the growth of prices and tariffs for remunerated services (145.8 per cent) far outstripped the growth in consumer goods prices (133.4 per cent). Over the year as a whole the prices of staple foods, the principal item in consumer expenditure, rose significantly. In 1996 the biggest price increases concerned fruit and berries (240 per cent), eggs, milk and poultry (160 per cent), and dairy products, flour, pasta, bread and bakery products (120-140 per cent).

20. In 1997 there was a steady slow-down in the rate of increase of consumer prices. Prices rose 14.8 per cent on average, with food posting an increase of

17.4 per cent, services 15.4 per cent and non-food items 7.3 per cent. The biggest rises concerned meat and poultry (160 per cent), sugar (120 per cent) and vegetable oil (130 per cent).

21. Of the remunerated services surveyed, it was nursery school fees that showed the biggest increase (140 per cent) last year. Housing costs rose by 25.8 per cent, transport services by 22.4 per cent and communications by 8.3 per cent.

22. Under article 34 of the Kyrgyz Constitution, State health-care institutions offer guaranteed free medical assistance. The Government has identified and approved categories and groups of the population entitled to receive free medical assistance. Subject to the consent of the patient or his next of kin, paid services may be provided in emergencies.

23. During periods of social transformation, the population's standard of living declines. Incomes fall and for people generally, and society's most vulnerable members in particular, many social benefits become unaffordable.

24. With a view to regulating the provision of remunerated medical services, a draft law has been drawn up on the extrabudgetary activity of Kyrgyz health-care institutions. It establishes a list of the remunerated medical services which may be offered to those able to pay for them. The Government is making provision for targeted funding to organize a summertime health-building campaign for children under 14 years of age. Trade unions subsidize permits for sanatorium and restorative holidays. It must be admitted, however, that for most people a visit to a sanatorium, resort, sporting or tourism facility is still a rarity.

25. Public health is also affected by the disturbed ecological balance in the Republic, variously attributable to the change in the Aral basin, nuclear testing in neighbouring States and the hazardous condition of subsurface ponds for radioactive tailings.

26. As of 1 January 1998, 54,600 citizens were officially registered as being unemployed. Women account for 58 per cent of that total. Females comprise over half (55 per cent) of the under-age unemployed and 60 per cent of young unemployed people between the ages of 16 and 29. Nearly 67 per cent of unemployed women are raising minors, and 19 per cent of them have five or more children.

B. General political structure

1. Brief historical survey

27. In the third century B.C., the Kyrgyz tribes were the most culturally and economically advanced ethnic group in southern Siberia. In the fourth century, a vast association of tribes resembling the barbarian kingdoms of Western Europe was formed under the supremacy of the Kyrgyz. At the height of its power, this association covered the upper Enisei basin and all of southern Siberia, including Altai and Mongolia.

28. The Kyrgyz great power was short-lived. In the tenth century A.D. Kyrgyzstan was the core territory of the Qarakhanid State. In the thirteenth century the Mongol invasion brought about significant political and economic changes. Ethnographical characteristics changed. Intermingling and assimilation

of ethnic groups occurred. The fifteenth century was characterized by renewed feudal strife in the Mongol Empire; Kyrgyz tribes began to consolidate into State-like federations.

29. Between 1850 and 1870 Kyrgyzstan became a subject of the Russian Empire. Soviet power was established between November 1917 and June 1918. Kyrgyzstan became an autonomous oblast, an autonomous republic and a union in 1924, 1926 and 1936 respectively. The principal events between 1936 and 1991 were victory in the Second World War, the "thaw" under Khrushchev, "stagnation" under Brezhnev, the vacillations of perestroika under Gorbachev and the collapse of the totalitarian system.

30. Kyrgyzstan declared its independence on 31 August 1991. In the Declaration on the State independence of the Republic of Kyrgyzstan, the Supreme Soviet of the Republic of Kyrgyzstan solemnly proclaimed the country to be an independent sovereign State.

2. State structure, political system, form of government

31. Under the Constitution, the Kyrgyz Republic is a sovereign, unitary, democratic republic founded on the rule of law and a secular State. The sovereignty of the Kyrgyz Republic is not limited and extends to all of its territory. The Kyrgyz people is the repository of sovereignty and the sole source of State power in the Kyrgyz Republic.

32. Only the elected Zhogorku Kenesh (Parliament) and the President of the Kyrgyz Republic are entitled to speak for the people of Kyrgyzstan. Amendments to and revisions of the Constitution, laws and other important issues in the life of the State may be put to a referendum.

33. In its form of government, Kyrgyzstan combines elements of a presidential and a parliamentary republic (a presidential-parliamentary republic).

The President of the Kyrgyz Republic

34. The President of the Kyrgyz Republic is the head of State, the highest official in the country, a symbol of national unity and State power, and the guarantor of the Constitution and human and civil rights and freedoms. The head of State determines the main lines of the State's domestic and foreign policy, represents the Kyrgyz Republic inside the country and in the context of international relations, takes measures to protect the sovereignty and territorial integrity of the Kyrgyz Republic, and safeguards the unity and continuity of State power, the coordination and interaction of State organs and their accountability to the people.

35. The President of the Kyrgyz Republic is elected for a term of five years. One and the same individual cannot be elected President for more than two consecutive terms. The Presidency must be held by a Kyrgyz citizen not less than 35 and not more than 65 years of age who speaks the national language and has been resident in the country for at least 15 years prior to his nomination for the Presidency.

The legislature

36. The Amendment and Supplementing of the Constitution of the Kyrgyz Republic Act of 17 February 1996, which was adopted by referendum on 10 February 1996, stipulates that the legislative branch of the Kyrgyz Republic shall be the Zhogorku Kenesh (Parliament), a bicameral representative body comprising: the Legislative Assembly, a standing body of 35 elected deputies representing the interests of the population as a whole, and the sessional Assembly of People's Representatives, which numbers 70 elected deputies representing territorial interests. The deputies of the Legislative Assembly and the Assembly of People's Representatives are elected for a term of five years.

37. The Legislative Assembly of the Zhogorku Kenesh is responsible for: amending and supplementing the Constitution in line with prescribed constitutional procedure; enacting laws; officially interpreting the Constitution and the laws which it has itself enacted; modifying the borders of the Kyrgyz Republic, and approving laws enacted by the Assembly of People's Representatives.

38. The Assembly of People's Representatives of the Zhogorku Kenesh is responsible for: amending and supplementing the Constitution of the Kyrgyz Republic; enacting laws in certain cases provided for by the Constitution; approving laws enacted by the Legislative Assembly in cases specified by the Constitution; officially interpreting the Constitution and laws which it has itself enacted; passing the budget and certifying the national accounts; modifying the bounds of the Kyrgyz Republic and [the jurisdiction of] city and military courts of the Kyrgyz Republic.

The executive

39. Article 69 of the Constitution stipulates that executive power in the Kyrgyz Republic shall be exercised by the Government of the Kyrgyz Republic, its subordinate ministries, State committees, administrative departments, and the local State administration.

40. The Government of the Kyrgyz Republic is the country's highest executive organ. The Government is headed by the Prime Minister of the Kyrgyz Republic and consists of the Prime Minister, the Deputy Prime Ministers, ministers and the chairmen of the State Committees of the Kyrgyz Republic. The Prime Minister is appointed by the President with the consent of the Assembly of People's Representatives. The Prime Minister outlines the general direction of government policy in accordance with the Constitution, the laws and presidential decrees. He also organizes the Government's work and is personally responsible for its performance.

The judiciary

41. Article 79 of the Constitution stipulates that justice in the Kyrgyz Republic shall be administered solely by the courts. The following courts exist in the Kyrgyz Republic: the Constitutional Court, the Supreme Court, the High Court of Arbitration and the local courts (oblast courts, Bishkek city court, district courts, city courts, oblast arbitration courts, Bishkek arbitration court, and military courts).

42. The Constitutional Court of the Kyrgyz Republic is the highest judicial organ for the protection of the Constitution. It declares laws and other regulatory acts to be unconstitutional in cases where they depart from the Constitution, and it settles disputes concerning the operation, application and interpretation of the Constitution. Decisions of the Constitutional Court are final and unappealable.

43. The Supreme Court of the Kyrgyz Republic is the highest judicial organ in respect of civil, criminal and administrative proceedings. The Supreme Court supervises the judicial activity of the oblast, Bishkek city and district courts.

44. The High Court of Arbitration of the Kyrgyz Republic and the oblast and Bishkek arbitration courts form the unified system of arbitration courts of the Kyrgyz Republic. Arbitration courts settle disputes arising in the economic sphere and in business between entities under various forms of ownership. The High Court of Arbitration of the Kyrgyz Republic supervises the judicial activity of the oblast and Bishkek arbitration courts.

45. Decisions handed down by the Kyrgyz courts which have acquired legal force are binding on all State organs, businesses, public associations, officials and citizens and are subject to execution throughout the territory of Kyrgyzstan. Failure to execute judicial decisions which have acquired legal force, and also interference in the work of the courts, incurs liability as specified by the law.

C. General legal framework for the protection of human rights

46. Law enforcement organs. The work of the law enforcement organs is based on unconditional compliance with the laws of the Kyrgyz Republic and international treaties in respect of citizens' rights, freedoms and lawful interests. Law enforcement in the Kyrgyz Republic is the preserve of special organs including the Procurator's Office, the Ministry of Internal Affairs and its subsidiary organs, the Ministry of National Security, the Ministry of Justice and lawyers.

47. The Office of the Procurator of the Kyrgyz Republic is a State body within the executive branch with responsibility for verifying that legislative instruments are strictly and uniformly observed by local self-government organs, ministries, State committees, administrative departments and other government organs, local State administration, public associations, officials, businesses regardless of their form of ownership, and citizens.

48. The Ministry of Internal Affairs is an armed State law enforcement organ which performs executive and administrative functions connected with the maintenance of public order, the protection of personal and public safety and the fight against crime.

49. The Ministry of Justice is the primary administrative organ for implementing State legal policy as regards protection of the rights and lawful interests of citizens and of legal persons whatever their form of ownership.

50. The Ministry of National Security: national security organs belong to the executive branch and are intended for preventing harm to the security of the Kyrgyz Republic; within the limits of the powers entrusted to them, they also

ensure personal, public and State security, and expose, prevent and suppress espionage and subversion by foreign intelligence services and organizations.

51. Lawyers help to protect the rights and lawful interests of citizens and organizations. They also facilitate the administration of justice and the observance and strengthening of the law. They mainly: advise on and elucidate legal problems; represent clients before the courts and other State organs in civil and administrative cases; and frame applications, appeals and other documents of a legal nature.

52. No person may be arrested or detained otherwise than prescribed by law. All acts tending to attribute guilt for an offence before there has been a verdict by a court are inadmissible and constitute grounds for the award of material or moral damages to the aggrieved party through the intermediary of a court.

53. The rules enshrined in the Constitution are in accord with the provisions of the Universal Declaration of Human Rights and the international covenants and instruments pertaining to human rights. Under national law, all Kyrgyz citizens are equally entitled to the protection of their rights and freedoms regardless of their national or social origin, sex, language, political or other opinions, religion, place of residence, property or other status. Judicial protection of rights and freedoms is guaranteed, and citizens are, therefore, entitled to seek redress through the courts if they believe that their rights have been violated.

Special organs for the protection of human rights

54. In order to establish effective machinery for protecting human rights and assisting the President in exercising his constitutional powers as guarantor of human and civil rights and freedoms, a Presidential Decree was issued on 5 July 1997 establishing a Human Rights Commission reporting to the President of the Kyrgyz Republic.

55. The State Commission for the Family and Women, which reports to the Kyrgyz Government, was established in 1996. The Commission deals with the implementation of priority measures to resolve the most important issues facing women and addresses topics relevant to their rights and freedoms.

56. A Commission for Minors has been established within the Kyrgyz Government. Similar structures have been formed in the regions.

57. Organs to deal with the problems facing families, women and children operate at all levels in the Kyrgyz Republic. A Human Rights Committee and a Commission on Education, Women, the Family and Youth operate in the Legislative Assembly of the Zhogorku Kenesh.

58. A large number of non-governmental organizations involved in the protection of human rights are currently operating in Kyrgyzstan (over 800). Many of them provide the public with information about the rights and freedoms guaranteed under the Constitution and international human rights instruments.

59. For the purposes of drafting for submission to the relevant United Nations organs the country's initial reports on the legislative, administrative and other measures taken by the Kyrgyz Government in pursuance of human rights conventions, the Kyrgyz Government issued an Ordinance on 27 June 1997

establishing an interdepartmental commission entrusted with the preparation of national reports on Kyrgyzstan's implementation of human rights conventions.

Constitutional protection of civil and political rights

60. Kyrgyzstan's basic law is the Constitution adopted by the Zhogorku Kenesh in 1993, as amended and revised on 17 February 1996. It contains a special section outlining the rights and freedoms of the individual and the duties of the citizen.

61. Article 16 of the Constitution recognizes and guarantees fundamental human rights and freedoms in accordance with universally accepted principles and standards of international law and the inter-State treaties and agreements concerning human rights which have been ratified by the Kyrgyz Republic. Everyone in the Kyrgyz Republic has the right to life, physical and moral immunity, personal freedom and security, freedom of personal development, freedom of religion, spiritual life and worship, free expression and dissemination of their thoughts, ideas and opinions, freedom of literary, artistic, scientific and technical creativity, freedom of the press, freedom to transmit and disseminate information, freedom of movement, freedom to choose a place of abode or residence anywhere in Kyrgyzstan, freedom to travel abroad and to return without hindrance, freedom of association and peaceable unarmed assembly, freedom to hold rallies and demonstrations, inviolability of the home, freedom and privacy of correspondence, dignity, freedom of private life, personal and family privacy, private postal, telegraph and telephone communications, the right to own property and to possess, use and administer it at their discretion, economic freedom, free use of their abilities and property for any type of economic activity, freedom of labour and the right freely to choose their occupation or profession.

62. The enumeration of rights and freedoms in the Constitution should not be interpreted as negating or diminishing other universally recognized human rights and freedoms.

63. On 12 January 1994 the Zhogorku Kenesh adopted a Decision on accession to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, necessitating the adoption of a number of measures to establish a legal mechanism for implementing the provisions of the Covenant. These measures include the enactment of new laws, the amendments of existing laws, and the drafting of regulatory and normative instruments to govern the activities of State organs in respect of civil and political human rights.

64. The Constitution of the Kyrgyz Republic stipulates that inter-State treaties and other rules of international law which have been ratified by the Kyrgyz Republic form an integral and directly applicable part of Kyrgyz law. The Kyrgyz Republic recognizes the principles and standards of international law and has signed international treaties and agreements concerning human rights; these principles and standards are reflected in domestic law. All the necessary steps are being taken to ensure that the law not only proclaims human rights but also protects them.

65. The content of these measures to implement international human rights treaties is set forth in the relevant sections of this report. Draft laws and

framework documents which take account of State policy in the field of civil and political rights have been elaborated.

66. One of the challenges of establishing the rule of law in Kyrgyzstan is to adopt legal rules and measures for their application that take account of universally recognized human rights standards. International human rights instruments are taken into account in the elaboration of new law in Kyrgyzstan. Representatives from international and non-governmental organizations are enlisted as experts when drawing up new Kyrgyz legislation.

67. The legal reform under way in Kyrgyzstan provides for the incorporation of inalienable human rights and the security and legal protection of the individual in the law of the land. The following new laws have been enacted on the basis of international human rights standards:

The Civil Code (Parts 1 and 2);
The Criminal Code;
The Labour Code;
The Consumer Protection Act.

68. Although the requirements of the Covenant have been met in terms of both tenor and content by the improvement in the overall statutory framework and the adoption between 1994 and 1997 of a number of laws and other normative instruments, the system for ensuring the legal protection of citizens is still inadequate. The main reason is that the Kyrgyz Republic still lacks a uniform State policy for the integrated solution of all problems connected with human rights.

Human rights protection on the basis of international standards

69. Since acquiring its sovereignty, the Kyrgyz Republic has acceded to 22 international human rights treaties within the framework of the United Nations and its specialized agencies:

1. The 1989 Convention on the Rights of the Child;

2. The International Covenant on Civil and Political Rights;

3. The International Covenant on Economic, Social and Cultural Rights;

4. The Optional Protocol to the International Covenant on Civil and Political Rights;

5. The International Labour Organization Convention concerning Migration for Employment;

6. The International Labour Organization Convention concerning Equality of Treatment of Nationals and Non-Nationals in Social Security;

7. The International Labour Organization Convention concerning the Establishment of an International System for the Maintenance of Rights in Social Security;

8. The Convention against Discrimination in Education;

9. The Convention relating to the Status of Refugees and the Protocol relating to the Status of Refugees;

10. The Convention of 18 December 1979 on the Elimination of All Forms of Discrimination against Women (came into force on 3 September 1981);

11. The Convention of 20 December 1952 on the Political Rights of Women (came into force on 7 July 1954);

12. The Convention of 7 November 1962 on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (came into force on 9 December 1964);

13. The Convention of 29 January 1957 on the Nationality of Married Women (came into force on 11 August 1958);

14. Convention No. 103 of 28 June 1952 concerning Maternity Protection (Revised 1952)(came into force on 7 September 1955);

15. The International Convention against Apartheid in Sport (came into force on 10 December 1985);

16. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (came into force on 26 June 1987);

17. The Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others;

18. The International Convention on the Elimination of All Forms of Racial Discrimination (came into force on 4 January 1969);

19. The Convention on the Prevention and Punishment of the Crime of Genocide (came into force on 12 January 1961);

20. The Slavery Convention signed at Geneva on 25 September 1926 and the Protocol amending it (came into force on 7 December 1953);

21. The Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (came into force on 30 April 1957);

22. The International Convention on the Suppression and Punishment of the Crime of Apartheid.

In addition, Kyrgyzstan is party to human rights treaties within the Commonwealth of Independent States.

Information and publicity

70. Article 41 of the Constitution states that the publication of laws and other normative instruments concerning human and citizens' rights, freedoms and duties shall constitute a mandatory condition of their application. The Kyrgyz Government is endeavouring to raise public awareness of various matters pertaining to the human rights and freedoms guaranteed to citizens under the

Constitution and the various international treaties, including the Covenant to which Kyrgyzstan is a party.

71. Most of the work of disseminating information to the public regarding the principles and provisions of international human rights treaties is carried out by the Kyrgyz Government, the Commission for the Family and Women, the Ministry of Justice, the Ministry of Foreign Affairs, the Ministry of Education, Science and Culture, the Ministry of Health, the State Television and Radio Broadcasting Company and other ministries and administrative departments directly concerned, and by non-governmental organizations.

72. The International Committee of the Red Cross is funding the publication of a textbook entitled Chelovek i obshchestvo (The Individual and Society) for a mass readership. In addition to providing essential educational material, it outlines the main concepts of international humanitarian law.

73. The texts of the international treaties ratified by the Kyrgyz Republic have been printed in the Gazette of the Zhogorku Kenesh (Supreme Council) of the Kyrgyz Republic. The texts of all the ratified conventions have been translated into the official State language and the national languages of the Republic (in particular, Russian and Uzbek).

74. A series of digests on human rights issues have been published in Kyrgyzstan, and the compilations of international human rights instruments published by the United Nations have been widely circulated.

75. Kyrgyz non-governmental organizations regularly publish newsletters about the human rights situation in the country, for example Sredstva massovoi informatsii: zakonodatelstvo i praktika (The Mass Media: Law and Practice).

76. Human rights are taught as a topic in many universities and schools as part of the general education curriculum.

77. To enhance judges' skills, the Kyrgyz judiciary is in the process of setting up an authority to teach local court judges how to use modern office equipment, familiarize them with changes in the law, and so forth. It is also intended to familiarize them with the United Nations treaties which have been ratified by Kyrgyzstan, specifically the human rights instruments.

78. To foster the application of ratified international human rights treaties, regular seminars are held in Kyrgyzstan for representatives of State organs, judicial bodies and members of the public. The following seminars are worthy of note:

- "International human rights standards and their domestic implementation", a seminar organized in Bishkek from 25 to 28 November 1996 by the International Commission of Jurists and the Constitutional Court of the Kyrgyz Republic with the participation of representatives of: the judiciary; lawyers; government bodies, and non-governmental organizations;
- "Human rights: national institutions and mechanisms", a round table conference in Bishkek on 9 April 1997 organized by the Ministry of Foreign Affairs of the Kyrgyz Republic with the participation of representatives of: the Organization for Security and Cooperation in

Europe (OSCE); the Polish Ombudsman; Kyrgyz government bodies, and non-governmental organizations;

- "Journalism and the law", an international seminar held from 22 to 24 April 1997 by the Soros-Kyrgyzstan Foundation and the Kyrgyz-American Bureau on Human Rights and Rule of Law, with special emphasis on protecting the rights of journalists and freedom of the mass media;

- "The constitutional dimension of legal reform and the legal system", a seminar in Bishkek on 17 and 18 June organized by the Council of Europe in conjunction with the OSCE's Office for Democratic Institutions and Human Rights and the Kyrgyz Ministry of Foreign Affairs and Ministry of Justice;

- A workshop held in Bishkek from 13 to 15 October 1997 on the submission of State reports and individual complaints to human rights treaty bodies. This was organized by the Ministry of Foreign Affairs in conjunction with the International Commission of Jurists and attended by representatives of government bodies involved in preparing reports and of non-governmental organizations.

II. INFORMATION ON THE IMPLEMENTATION OF ARTICLES 1-27 OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

Article 1

79. The people of Kyrgyzstan's right to self-determination was fulfilled in 1991 when the Declaration on the State Independence of the Republic of Kyrgyzstan was adopted by the Supreme Council of the Republic of Kyrgyzstan on 31 August 1991, declaring the Kyrgyz Republic an independent sovereign democratic State. In accordance with the Declaration the territory of the Kyrgyz Republic shall be integral and indivisible, and the Constitution of the Kyrgyz Republic alone shall operate there.

80. The Declaration on the State Independence of the Republic of Kyrgyzstan states that the Republic of Kyrgyzstan emphasizes its adherence to the universally accepted principles of international law, is guided by the principles of friendship and collaboration between nations, shall indefatigably fulfil its commitments and avoid confrontation in relations between States and nations, and is in favour of concluding a new Union treaty between sovereign States on the basis of equality.

81. The Constitution of the Kyrgyz Republic as a new independent State was adopted on 5 May 1993. This proclaims that Kyrgyzstan shall be a sovereign unitary democratic Republic created on the basis of a legal secular state. Sovereignty of the Kyrgyz Republic shall not be limited and shall extend throughout its territory.

82. Article 4 of the Constitution establishes that in the Kyrgyz Republic the land, its subsoil, water, air space, forests, fauna and flora - all natural resources are the property of the State.

83. The territory of the Kyrgyz Republic within it existing bounds is inviolable and indivisible.

Article 2

84. In the Kyrgyz Republic the basic human rights and liberties are recognized and guaranteed in accordance with international treaties and agreements which have been ratified by the Kyrgyz Republic (art. 16 of the Constitution of the Kyrgyz Republic).

85. The Constitution of the Kyrgyz Republic and the regulatory and normative instruments which govern the legal status of citizens residing in Kyrgyzstan grant rights to all, regardless of skin colour, religion, language, ethnic and social origin, physical or intellectual state. Under article 15 of the Constitution of the Kyrgyz Republic the basic human rights and freedoms are recognized as absolute, inalienable and protected by law and the courts from infringement by any other person. No person shall be subject to any violation of his rights and feedoms on the ground of origin, sex, race, nationality, language, religion or other circumstances (p. 3, art. 15).

86. Under article 38 of the Constitution of the Kyrgyz Republic it is the duty of the State and all its bodies and officials to provide for full, absolute and immediate protection of the rights and freedoms of citizens, to prevent the

infringement of rights in this sphere and to restore the violated provisions. The Kyrgyz Republic guarantees judicial defence of all the rights and freedoms of citizens established by the Constitution and laws. Under article 40 of the Constitution of the Kyrgyz Republic every citizen is guaranteed effective legal assistance and defence of the rights and freedoms guaranteed by the Constitution. The ratification of a number of international treaties by the Kyrgyz Republic has consolidated the complex of laws against discrimination (see para. 69 above).

87. It is a feature of the Kyrgyz Republic's Constitution that it recognizes and supports popular customs and traditions which are not inconsistent with human rights and freedoms. Children are taught in their native language at school so that cultures may develop and traditions be preserved.

88. The Kyrgyz Republic's Law "On freedom of religion and of religious organizations" establishes a constitutional right to freedom of religion, to the protection of rights and interests irrespective of religious affiliation, and to access to various kinds of education without reference to attitude towards religion.

89. Laws recently adopted by the Kyrgyz Republic, in particular the Criminal Code, the Civil Code and the Labour Code, establish the provisions on human rights contained in international treaties ratified by the Kyrgyz Republic.

90. The Kyrgyz Republic's Law "On education" establishes the constitutional right of citizens to education, irrespective of social position, property, nationality and religion and guarantees free basic secondary and vocational education, and free competitive higher education.

91. Issues of citizenship are governed by article 46 [sic] of the Constitution of the Kyrgyz Republic and by the Kyrgyz Republic's Law "On citizenship of the KR" of 18 December 1993. These include:

(a) Under article 13 of the Constitution of the Kyrgyz Republic the belonging of a citizen to the Kyrgyz Republic and his status are determined by citizenship;

(b) A citizen of the Kyrgyz Republic must observe the Constitution and laws of the Republic, and respect the rights, freedoms, honour and dignity of other people;

(c) Citizenship of other countries is not recognized for citizens of the Kyrgyz Republic;

(d) No citizen of the Kyrgyz Republic may be deprived of his citizenship or the right to change his citizenship. The Kyrgyz Republic guarantees defence and protection of its citiezens when outside its territory;

(e) In accordance with article 46 of the Constitution the President of the Kyrgyz Republic decides matters concerning granting citizenship of the Kyrgyz Republic and withdrawal from it;

(f) Under article 4 of the Kyrgyz Republic's Law "On citizenship of KR" all citizens of the Kyrgyz Republic hold citizenship of the Kyrgyz Republic equally, irrespective of the basis on which it was acquired.

92. Residence outside the bounds of the Kyrgyz Republic by a citizen does not of itself result in the loss of citizenship of the Kyrgyz Republic. Citizens of the Kyrgyz Republic abroad enjoy the defence and protection of the Kyrgyz Republic. The Kyrgyz Republic, its diplomatic representative and consular institutions, as well as its officials ensure that citizens of the Kyrgyz Republic are able to exercise all the rights accorded to them by the legislation of the host country and by international treaties to which the Kyrgyz Republic and the host country are party. They defend the rights and interests protected by law of citizens of the Kyrgyz Republic in accordance with procedure established by legislation. In case citizens of the Kyrgyz Republic sojourn in a country where no diplomatic representative and consular institutions of the Kyrgyz Republic exist, protection of the rights and legitimate interests of citizens of the Kyrgyz Republic under international treaties of the Kyrgyz Republic may be performed by the appropriate organs of other States.

93. A citizen of the Kyrgyz Republic may not be extradited abroad except in cases specified in inter-State agreements.

94. The legal position of foreign citizens is governed by the Constitution of the Kyrgyz Republic and also the Law of the Kyrgyz Republic "On the legal position of foreign citizens in the Kyrgyz Republic". Under article 1 of this Law, the Kyrgyz Republic recognizes as foreign citizens persons who are not citizens of the Republic and have proofs of citizenship of a foreign State. The same article prescribes that under the Constitution of the Kyrgyz Republic foreign citizens in the Kyrgyz Republic are guaranteed the rights and freedoms prescribed by law. Under article 14 of the Constitution foreign citizens and stateless persons when in the Kyrgyz Republic enjoy the rights and freedoms of citizens and perform duties on the basis, under the terms and in accordance with the procedure prescribed by law, international treaties and agreements.

95. In accordance with article 3 of the Law "On the legal position of foreign citizens in the Kyrgyz Republic" foreign citizens in the Kyrgyz Republic are equal before the law irrespective of their origin, social position, property, race or nationality, sex, education, language, attitude towards religion, type and nature of occupation and other circumstances. The Republic may legislate to impose restrictions on citizens of States that impose special restrictions on the rights and liberties of citizens of the Kyrgyz Republic. Foreign citizens in the Kyrgyz Republic may not make use of their rights and freedoms in order to damage the rights and legitimate interests of citizens of the Kyrgyz Republic or of other persons, nor the interests of society or the State.

96. The exercise of the rights and freedoms granted to foreign citizens in the Kyrgyz Republic is inseparable from the performance by them of duties esablished by the laws of the Kyrgyz Republic. Foreign citizens in the Republic must observe the Constitution of the Kyrgyz Republic and its laws, and respect the traditions and customs of the people of Kyrgyzstan.

97. Foreign citizens may reside permanently in the Kyrgyz Republic provided they have permission to do so in the form of a residence permit issued by the organs responsible for internal affairs. Foreign citizens present in the Kyrgyz Republic on a different legal basis are considered to be visiting temporarily.

98. The Kyrgyz Republic grants the right of asylum to foreign citizens persecuted for defending peace, democracy, human rights, for activities of a socially and politically progressive nature, or creative or other activities

which meet the standards generally accepted under international law. The President of the Kyrgyz Republic rules whether asylum should be granted.

99. Foreign citizens resident in the Kyrgyz Republic may take employment as workers or employees at enterprises, institutions and organizations or engage in other employment on the same basis and under the same procedure as those established for citizens of the Kyrgyz Republic. Temporarily visiting foreign citizens may engage in employment if that is compatible with the purposes and period of their sojourn in the Kyrgyz Republic, or if the appropriate permission has been obtained from the organs responsible for internal affairs.

100. Foreign citizens may not be appointed to such posts or engage in such employment as legislation prescribes shall be taken up only by citizens of the Kyrgyz Republic. In the context of labour relations foreign citizens enjoy rights and have duties on the same footing as citizens of the Republic.

101. Foreign citizens located in the Kyrgyz Republic have a right to rest on the same basis as citizens of the Kyrgyz Republic.

102. Foreign citizens residing permanently in the Kyrgyz Republic shall receive medical assistance on an equal footing with citizens of the Kyrgyz Republic. Temporarily visiting foreign citizens shall receive medical assistance under the procedure which the Ministry of Health of the Kyrgyz Republic lays down.

103. Foreign citizens are entitled to receive grants, pensions and others forms of welfare benefit on the same basis as citizens of the Kyrgyz Republic. In those cases where pension entitlement is dependent on a specific period of service, foreign citizens' employment abroad may, on the basis and under the procedure established by law, be included in the period of service.

104. Under the laws of the Kyrgyz Republic foreign citizens may own property; copyright over scientific, literary and artistic works, over inventions, proposals for technical improvement, industrial prototypes; likewise other property and personal non-propertry rights.

105. Foreign citizens are entitled on an equal footing with citizens of the Kyrgyz Republic to education, in accordance with the procedure established by the law of the Kyrgyz Republic.

106. Foreign citizens in the Kyrgyz Republic are entitled to utilize cultural achievements on an equal footing with its citizens. Foreign citizens must treat historical and cultural monuments and other cultural valuables with care.

107. Foreign citizens are entitled to join public associations which do not pursue any political aim on the same basis as citizens of the Kyrgyz Republic, provided this is not contrary to the regulations (statutes) of these associations. Foreign citizens are guaranteed freedom of conscience on an equal footing with citizens of the Kyrgyz Republic.

108. Foreign citizens in the Kyrgyz Republic may contract and dissolve marriages with citizens of the Kyrgyz Republic and with other persons in accordance with the laws of the Kyrgyz Republic. Within the matrimonial and domestic relationship foreign citizens enjoy rights and have duties on an equal footing with citizens of the Kyrgyz Republic.

109. Foreign citizens are guaranteed inviolability of the person, of the home, and other personal rights in accordance with the laws of the Kyrgyz Republic. Foreign citizens have freedom of movement over the territory of the Kyrgyz Republic and to choose their place of residence in accordance with the procedure established by the laws of the Kyrgyz Republic. Restriction of movement and of choice of place of residence are permissible when neccessary in order to ensure State security; to safeguard public order, the health and morals of the population; to protect the rights and legitimate interests of citizens of the Kyrgyz Republic and other persons.

110. Foreign citizens are subject to taxes and dues on the same basis as citizens of the Kyrgyz Republic unless otherwise prescribed by the laws of the Kyrgyz Republic.

111. Foreign citizens in the Kyrgyz Republic are entitled to call on the courts and other State agencies for protection of their personal, property, domestic and other rights. In court they enjoy procedural rights on an equal footing with citizens of the Kyrgyz Republic. A foreign citizen shall have the opportunity to contact the diplomatic or consular representative of his State or, where none such exists, to contact the diplomatic or consular representative of another State authorized to defend the rights and legitimate interests of citizens of the State whose citizen he is.

112. Foreign citizens may not elect or be elected to elective State bodies, or take part in a national vote (referendum).

113. Foreign citizens are not liable for military service in the armed forces of the Kyrgyz Republic.

114. Foreign citizens and, unless otherwise provided in Kyrgyz law, stateless persons who commit a crime, an administrative or other offence on the territory of the Kyrgyz Republic are held accountable on an equal basis with citizens of the Kyrgyz Republic.

115. The law of the Kyrgyz Republic "On procedure concerning foreign citizens' residence in the Kyrgyz Republic" establishes the procedure

(a) Governing foreign citizens' entry to the Kyrgyz Republic and departure from the Kyrgyz Republic;

(b) For putting the papers of foreign citizens sojourning in the Kyrgyz Republic into due order reflecting leave to remain;

(c) For issuing foreign citizens with permissions to remain permanently and a permit to reside in the Kyrgyz Republic;

(d) Governing foreign citizens' movements on the territory of the Kyrgyz Republic, and their choice of residential location in the Kyrgyz Republic;

(e) Bringing foreign citizens to account for violations of the law, reducing their length of stay and evicting them from the Kyrgyz Republic.

This law likewise applies to stateless persons.

116. The Kyrgyz Republic's Law "On the rights and guarantees of rehabilitated citizens who suffered repression for their political or religious beliefs, on social, national or other grounds" ensures protection for the victims of political repression. The purpose of this law is to rehabilitate all victims of political repression suffered on the territory of the Kyrgyz Republic since 1917, to restore their civil rights, to eliminate the consequences of repression.

117. The standards established in the KR Constitution are in line with the provisions of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Under national legislation all citizens of KR are equally entitled to defence of their rights and liberties irrespective of their national or social origin, sex, language, political or other beliefs, religion, place of residence, property status and other circumstances. Judicial protection of rights and freedoms is guaranteed. Therefore citizens are entitled to appeal to a judicial body if they consider that their rights have been infringed.

118. The Code on Criminal Procedure and the Code on Civil Procedure require that when justice is administered the parties shall be endowed with equal rights, irrespective of race, skin colour, sex, language, religion, national and social origin, property status and other circumstances.

119. Legal advice centres for the provision of assistance to citizens have been set up in every district in which there is a court.

120. Under the Constitution ratified treaties form part of the legislation of the Kyrgyz Republic, yet they cannot be applied by the courts. The implementation of international treaties in national legislation and the direct application of international treaties by the courts are currently under discussion.

121. To enhance judges' skills, the Kyrgyz judiciary is setting up an authority to teach local-court judges how to use modern office equipment, familiarize themselves with changes in the law, and so forth. It is also intended to familiarize them with the United Nations treaties which have been ratified by Kyrgyzstan, specifically the human rights instruments.

122. On 18 December 1993 a KR Law was adopted "On the Office of the Procurator of the KR", article 1,3 of which defines the following functions of the Office of the Procurator: The Office of the Procurator of the Kyrgyz Republic is a State body within the executive branch with responsibility for verifying that legislative instruments are strictly and uniformly observed by local self-government organs, ministries, State committees, administrative departments and other Kyrgyz government organs, local State administrations, public associations, officials, businesses regardless of their form of ownership, and citizens. The Office of the Procurator of KR undertakes criminal prosecutions and participates in court examinations in cases and in the manner prescribed by law.

123. In order to ensure the primacy of the law, to achieve uniformity of and strengthen legality, to safeguard the rights and freedoms of citizens, the Office of the Procurator supervises:

(a) The observance of legislative instruments by local goverment bodies, by all bodies of the executive power subordinate to the Government of KR, by public associations, by officials; that instruments issued by these conform with the law; also the observance of legislative instruments by citizens;

(b) The lawful operation of agencies responsible for detective work, inquiries and preliminary investigations;

(c) The observance of the law in places holding detainees; in places of preliminary detention; while punishment or other enforcement measures imposed by the courts is carried out;

(d) The observance of the laws by military authorities, by military units and institutions. Procurators participate in the examination of cases in court. In cases foreseen by the Code on Criminal Procedure the Office of the Procurator undertakes the investigation of a crime.

124. The work of disseminating information on the principles and provisions of the International Convenant on Civil and Political Rights is mainly carried out by the Government of KR, the Ministries for Foreign Affairs, for Justice, Education, Science and Culture, the Procuracy General, the State Television and Radio Broadcasting Company, other ministries and departments and non-government organizations concerned.

Article 3

125. The Kyrgyz Republic is adopting all the legal measures necessary to implement the principle of equality between men and women in the enjoyment of all their civil and political rights.

126. The constitutional principle that all citizens of KR are equal before the law irrespective of sex ensures equality of rights for men and women, and is established in article 15 of the Constitution on the rights and liberties of the individual, and in article 22 on the rights and duties of citizens. Laws of the Kyrgyz Republic concerning the rights and duties of citizens must be equally applied to all citizens and not bestow on anyone privileges and preferences, except those provided by the Constitution and laws for the social protection of citizens (art. 22 of the Constitution of the Kyrgyz Republic). Specifically, the law forbids women to engage in dangerous occupations and grants them privileges related to pregnancy, childbirth and childcare.

127. Article 134 of the Criminal Code of the Kyrgyz Republic prescribes punishment for direct or indirect violations of or encroachments on human and civil rights and liberties as a function of sex.

128. A Decree was issued by the President of the Kyrgyz Republic on 6 March 1996 "On the principal directions of the national programme "Ayalzat"", aimed at increasing the role of women in national construction, at their adaptation to the new economic conditions, ensuring their full and active participation in political and public life, at effectively supporting women's initiatives, as well as actively providing social and legal protection in the sphere of education, raising the functional literacy of women, reducing mortality among mothers and children, overcoming poverty, increasing employment, and creating special programmes of support for girls, reducing all forms of violence etc. This programme is to be carried out over the period 1996-2000.

129. This Decree proclaimed 1996 to be Women's Year in the Kyrgyz Republic, and the beginning of implementing priority measures aimed at solving the most important problems facing women. Government Resolution No. 627, issued on 24 December 1996, "On the creation of centres for initiatives by women", set up *oblast* centres and a Bishkek city centre for women's initiatives for the implementation of the national programme "Ayalzat" over the period 1996-2000.

130. A Decree of the President of the Kyrgyz Republic issued on 2 December 1996 "On restructuring the central bodies of executive power" set up a "State Commission on the Family, Women and Young People". Enactment No. 32 of the Government of the Kyrgyz Republic issued on 27 January 1997 approved the Provision "On a State Commission on the Family, Women and Young People", which is a Republic-level executive body, which reports to the government, set up to implement the national policy of the Kyrgyz Republic concerning the family, women and young people. There are bodies concerned with the problems of the family, women and children at all levels in the KR. The Legislative Assembly Zhogorku Kenesh has a Commission on the education of women, the family and young people, which provides legal protection to women's interests during debates on legislation in Parliament.

131. Despite the fact that ideologically the State has officially recognized the principle of female emancipation, the percentage of women at the highest government level is relatively small. The new electoral procedure constructed by the independent Kyrgyz State has affected the number of women in Parliament, which the Soviet Party leadership used to set by quota. Over the last five years the number of women represented among members of Parliament and in elected local government bodies has gradually declined, owing to a number of factors: the quota is no longer applied; women lack experience of political campaigning and lack political experience; the effect of patriarchal stereotypes, which limit women's opportunities in the political sphere. According to statistics from the Central Electoral Commission of the Kyrgyz Republic the Zhogorku Kenesh of the Kyrgyz Republic in 1995 included 127 women or 36.3% of the membership, in 1994 there were 27 women or 8%, and in 1996 there were 5 women members or 4.1%.

132. The involvement of women in social and political activity is one of the most important criteria of the extent to which the patriarchal nature of relationships within society and between the sexes has been overcome, and of women's participation at all levels of the political process and of social life on the basis of equal rights.

133. In 1996 women held 37% of leading roles in government bodies at the level of the Republic as a whole. The highest number of women in leading roles were in Bishkek (43.7%) and in the Chuisk region (38%), the lowest number in the Narynsk region (3%). Areas in which female workers predominate are the ones which have the highest concentration of women managers, that is in shops, public catering, health care, social welfare, communications, education, the municipal economy. Women are promoted to managerial roles in other areas too, but these are mostly at lower and middle management level. Women are poorly represented at the highest echelons. This pyramid effect may be observed throughout sosciety. To a great extent it is maintained by stereotypes which exist in the minds of women as much as of men. At the level of the Republic as a whole 11 out of 102 leaders are women.

134. In 1995 out of 90 people working in the Office of the Prime-Minister of the Republic, 14 (or 16%) were women. Of these 2.2% worked at head of department

level. 88 people work in the Administration of the President of the Kyrgyz Republic, of whom 32 (or 38%) are women, 2.2% at head of department level. In 1996 there is a total of 1,010 people working in the Administration of the President of the Kyrgyz Republic, the Office of the Prime Minister of the Kyrgyz Republic, in the offices of ministries and government departments. Of these 319 (or 31.6%) are women.

135. There are 725 people in regional and municipal government bodies, of whom 227 (or 31.3%) are women, 1,674 people in district government bodies, of whom 425 (or 25.4%) are women, 583 in settlements and rural bodies, of whom 204 (or 35%) are women. Women are not represented among officials of the Akims at the level of the oblasts. Of 60 heads of district state administrations, only one is a woman. There are a total of 8,897 managers in industry, 2,868 of them women, proportionately 32.2%. There are 2,597 managers in the agricultural sector, including 543 women or 20.9%. That is a total of 39,415 leaders, including 13,982 women, proportionately 35.5%.

136. Since Kyrgyzstan acquired sovereignty in the early 1990s it has become active in foreign affairs, and women have participated in this activity. Of 93 staff working in the central office of the Ministry of Foreign Affairs, 34 are women (37%). Of 86 persons working in institutions representing the Kyrgyz Republic abroad, 20 are women. At the senior and middle levels, with the exception of a few who hold senior diplomatic posts (a few ambassadors and chargées d'affaires) they are mostly employed in executive posts. Fifteen women hold senior posts within the central office of the Ministry of Foreign Affairs.

137. In the Kyrgyz Republic women are involved in the activity of the Procuracy, the Ministry for Internal Affairs and the judicial bodies. Their number is, however, diminishing. As in other spheres, most of them are only performing executive and clerical work at the middle level. Admittedly, in the 1990s a woman was for the first time elected Chairman of the Constitutional Court of the Kyrgyz Republic. Of the judges of the local courts 30-40% are women. Of the 19 judges of the Supreme Court 8 are female, one of whom is Deputy Chairman. The Ministry of Justice Office has 63 staff, including 34 women, and 125 notaries, including 53 women. The total number of women working in the Ministry for Internal Affairs is 619, that is 3.6%. Altogether 587 people, of whom 87 are women, work in the branches of the Office of the Procurator of the Kyrgyz Republic. There are 2,284 women working in the Republic's banking system, which constitutes 66.7% of all workers employed. In banking, among top management, including chief executives, there are 30 women.

138. Of students in institutes of higher education and at specialized secondary educational institutions 51.3% are women. Women constitute the principal resource in education, in the academic sphere and academic services. In 1995-96, 73.6% of teachers in the Republic were women, as were 48% of academics, 53.3% of graduate students, 41.3% of people holding a Doctor of Philosophy degree, 10% of people holding a Doctor of Science degree. There were 1,390 postgraduate students, including 741 women; a total of 777 people holding a PhD, including 321 women; 220 Doctors of Science, including 22 women.

139. Legislation and concepts have been drafted, reflecting the State's policy concerning women's rights, the family, social assistance to the family and children; there are Republican composite programmes "The health of the nation", "Ayalzat", "Maganiyat"; a Decree of the President of KR was issued on 20 March 1996 "On the basic orientations of the "Bilim" national education programme".

The "Women in Development" independent research centre conducted an extensive sociological survey (in Turkmenistan, Kazakhstan and Kyrgyzstan) entitled, "The position of adolescent girls in Central Asia"; the research results were presented at the Interparliamentary Conference on 20-22 February 1997 on "Implementation of the Convention on the Rights of the Child in Central Asia and Kazakhstan".

140. As economic and social conditions have changed in the transition period owing to unemployment, many women have lost the modest wages thanks to which they had previously felt economically independent of the family. The high level of unemployment affecting both men and women today must not serve as grounds for adopting measures affecting women's right to choose between the family and paid employment, or measures forcing them to return to their purely domestic role as housewives.

141. A process of transition to a democratic system is under way in KR today, accompanied by changes in political, social and cultural life. The family unit remains important to society, and in general Kyrgyz women strive to combine their domestic duties and paid employment.

142. In accordance with the KR Constitution the family in KR is under the protection of the State. The State manifests concern for the family in the following ways: creation and development of an extensive network of maternity clinics, crèches and kindergardens, boarding schools and other institutions and organizations for children, by improving services to households and public catering, paying allowances when a child is born, providing allowances and privileges to single mothers and to families with many children,and other allowances and assistance to the family.

143. The Code on Marriage and the Family governs the equal rights between man and woman within family relations. All citizens have equal rights within family relations. It is not permitted upon entering into marriage and family relations to impose any direct or indirect restriction whatsoever on rights, to establish directly or indirectly privileges based on origin, social or property status, race or nationality, sex, education, language, attitude towards religion, type and nature of occupation, place of residence or other factors.

144. Issues of childrearing and other family matters are decided jointly by the spouses, by mutual agreement. The father and mother have equal rights and duties in relation to their children. Parents also have equal rights and bear equal responsibilities in relation to their children in cases where the marriage between them is dissolved. Each spouse is free in the choiceof occupation, profession and place of residence. The spouses have equal rights to the property acquired by them during marriage. The spouses have equal rights of possession, use and disposal of this property.

145. In the event that parents (one of them) do not fulfil their childrearing duties in an appropriate manner, or in the event they abuse their parental rights, children are entitled to appeal for protection of their rights and interests to the bodies responsible for tutorship and guardianship.

146. Parents are the legal representatives of their minor children and appear in defence of their rights and interests in all institutions, including judicial ones, without specific authorisation.

147. Under article 7 of the Kyrgyz Republic's Law "On citizenship of the Kyrgyz Republic", when a citizen of the Kyrgyz Republic contracts a marriage with a person who holds citizenship of another State, or with a stateless person, this does not affect the citizenship of the spouses, and the same holds true when a marriage is dissolved. Moreover, if one spouse changes citizenship, this does not entail a change in the citizenship of the other spouse.

148. The citizenship of children is governed by the Kyrgyz Republic's Law "On citizenship of KR" as set out below:

(a) Under article 13 a child whose parents at the moment of his birth are citizens of the Kyrgyz Republic is a citizen of the Kyrgyz Republic irrespective of his place of birth;

(b) Under article 14 a child is a citizen of the Kyrgyz Republic:

(i) if the parents hold different citizenships, and at the time of the child's birth on the territory of the Kyrgyz Republic the father of the child is a citizen of the Kyrgyz Republic, and the other parent is a foreign citizenor a stateless person;

(ii) if the child is born outside the bounds of the Kyrgyz Republic, but the father of the child is a citizen of the Kyrgyz Republic and at the time [of the birth] has his permanent place of residence on the territory of the Kyrgyz Republic;

(c) If a child is born outside the bounds of the Kyrgyz Republic to parents holding different citizenships, living outside the bounds of the Kyrgyz Republic, one of whom at the time of the child's birth is a citizen of the Kyrgyz Republic whereas the other is a foreign citizen, its citizenship is determined according to the written agreement of its parents. If at the moment of a child's birth one of its parents holds citizenship of the Kyrgyz Republic, whereas the other is unknown, the child is a citizen of the Kyrgyz Republic irrespective of its place of birth;

(d) In the event that the paternity of a child is established, whose mother is stateless, and that a citizen of the Kyrgyz Republic is identified as the father, and if that child is under 14 years of age, it becomes a citizen of the Kyrgyz Republic irrespective of its place of birth;

(e) Under article 20, in the event the parents' citizenship changes or in the event of adoption, the citizenship of children between the ages of 14 and 16 years may be changed only with their consent.

149. In view of the ratification of the Convention on Elimination of All Forms of Discrimination against Women by the Kyrgyz Republic, the Ministry is currently drafting a new law on citizenship which will comply with the provisions of the Convention and other international instruments ratified by the Kyrgyz Republic.

150. According to information available, no case concerning discrimination against women has come before the courts.

Article 4

151. Under article 10 of the Constitution of KR a state of emergency in KR may be imposed only in case of natural disaster, direct threat to the constitutional structure, breach of public order accompanied by violence and menace to human life, as well as under the circumstances and within the periods indicated in constitutional law.

152. Under the Constitution of the Kyrgyz Republic restrictions on the exercise of rights and freedoms are allowed only for the purposes of public safety and constitutional order. In such cases, the essence of the constitutional rights and freedoms shall not be affected (p. 2, art. 17).

153. A state of emergency throughout the territory of the Kyrgyz Republic may be imposed only by the Legislative Assembly. A state of emergency may be imposed by the President in limited locations under circumstances requiring immediate action; the President shall inform the Legislative Assembly the same day, and the latter shall confirm the act of the President within not more than three days. If such confirmation has not been made within the indicated time, the state of emergency shall be annulled.

154. Recess of a session of the Legislative Assembly shall not be allowed during a state of emergency and martial law. In those cases when the Legislative Assembly is not in session and a state of emergency has been imposed by the President, the Legislative Assembly shall call a special session not later than the day following the introduction of the state of emergency.

155. Referenda, elections to state bodies as well as any changes in the structure, functions and power of state bodies established by the Constitution shall not be allowed during a state of emergency and martial law.

156. A Decree of the President of the Kyrgyz Republic, dated 2 December 1996, "On the restructuring of the executive bodies of State Power" gave approval for a Ministry on emergency situations and the civil defence of the Kyrgyz Republic. The Ministry is a central executive body of State Power. One of the functions of this Ministry is to avert and eliminate emergency situations.

157. On 11 January 1994 the KR Law "On the Internal Affairs Organs of the Kyrgyz Republic" was brought into force. Article 8, "The Duties of the IAO", and article 9, "The Rights of the IAO", define the activity of the IAO during a state of emergency and in an emergency situation. If a state of emergency or a state of war is declared the IAO must participate as laid down by law in securing and observing state of emergency regulations or martial law.

158. Point 26 of article 9 states that in emergency situations the IAO are entitled to involve the resources of the fire brigade and air rescue services, public transport and other material and technical resources whatever department they belong to, in order to evacuate people and property from the danger zone as necessary, and to eliminate the consequences of the extraordinary circumstances. Under article 7 of the Law "On the IAO of the Kyrgyz Republic" IAO personnel may be called on to protect public order and to participate in securing state of emergency regulations likewise in discrete regions of the Republic.

159. In accordance with article 19 of the Kyrgyz Republic's Law "On the Inland Forces of the Minsitry for Internal Affairs of the Kyrgyz Republic" the special

motorized military units and the military units assigned to operations, which under article 4 are allotted to the Inland Forces, shall be responsible for assisting the Organs of Internal Affairs to secure state of emergency regulations. Under article 23, under state of emergency regulations the Inland Forces are granted additional rights in the performance of their duties, in accordance with legislation on the legal regime in force during a state of emergency. Servicemen of the Inland Forces are entitled to use special measures under state of emergency regulations in order to stop a vehicle whose driver has failed to respond to their lawful instructions to halt. In such cases the term "special measures" means measures to halt a vehicle by force (art. 26). In accordance with article 27, under state of emergency regulations servicemen of the Inland Forces are entitled to fire in order to halt a vehicle by damaging it, if its driver refuses to stop inspite of the lawful demands of a policeman or serviceman.

160. It is prohitbited to use the Armed Forces to resolve internal political issues. Servicemen may be employed to eliminate the consequences of natural disasters and other similar circumstances directly prescribed by law.

161. In accordance with article 9 of the Constitution, the military forces of the Kyrgyz Republic shall be organized in accordance with the principles of self-defence and defensive sufficiency. No right to go to war is recognized except in cases of aggression against Kyrgyzstan or other countries coming under the obligations to collective defence.

162. A Law "On Defence" was adopted by the Zhogorku Kenesh of the Kyrgyz Republic on 13 April 1994 under which in emergency situations the Ministry of Defence implements a set of measures to secure territorial integrity and independence, and to prevent external aggression (art. 8). In emergency situations the Ministry for Internal Affairs of the Kyrgyz Republic ensures the stable functioning of life-sustaining utilities, public order within the State, and prepares the branch for mobilisation (art. 9).

163. Under article 6 of the Kyrgyz Republic's Law "On Defence" the Defence Council of the Kyrgyz Republic, the body fundamentally responsible for wartime policy, takes overall charge of the defence of the Kyrgyz Republic, military policy, military construction, economic provision for the defence effort and social protection for servicemen.

164. No need to declare a state of emergency on the territory of the Republic arose during the period when the Kyrgyz Republic was establishing its independence (August 1992).

Article 5

165. The basic rights and liberties are recognized as absolute, inalienable and protected by law and the courts from infringement by any other person (art. 15 of the Kyrgyz Republic Constitution). In the Kyrgyz Republic no laws shall be enacted which abolish or infringe on human rights and freedoms (art. 17 of the Constitution).

166. Article 6 and article 3 of the Law "On the Internal Affairs Organs of the Kyrgyz Republic" establish the legal basis for the activity of the IAO, consisting of the KR Constitution, the Law "On the IAO of the KR" and other regulatory and normative instruments of KR, as well as international legal

agreements and treaties. The IAO proceed on the basis of respect for citizens' rights and serve to guarantee the protection of every person irrespective of citizenship, social, property or other status, race or nationality, sex, age, education or language, attitude towards religion, political or other beliefs, type and nature of occupation. Any restriction on civil rights and liberties is permitted only on the grounds and in the manner laid down by legislation.

Article 6

167. Every person in the Kyrgyz Republic enjoys the right to life (art. 16 of the Constitution).

168. The Kyrgyz Republic strives for universal peace, mutually beneficial cooperation, the resolution of global and regional problems by peaceful means, and observes the universally accepted principles of international law. It is against the Constitution to act in ways liable to destroy the peaceful common life of peoples, to spread propaganda or to stir inter-ethnic strife. The Kyrgyz Republic does not have expansionist or aggresive aims or territorial claims capable of being resolved by military force. It rejects the militarization of public life and the subordination of the State and its activity to warfare. The Armed Forces of KR are organized according to the principles of self-defence and defensive sufficiency. No right to go to war is recognised except in cases of aggression against KR or other countries coming under the obligations to collective defence. A resolution of the Legislative Assembly, adopted by a majority (at least two thirds) of the Deputies, is required in every case to allow units of the Armed Forces to cross the bounds of the Kyrgyz Republic's Territory.

169. A whole chapter (chap. 26) of the Criminal Code of the Kyrgyz Republic is devoted to environmental crime involving damage to the health and lives of the people. The Zhogorku Kenesh of the Kyrgyz Republic is currently considering draft Laws "On conservation of the environment", "On conservation of the atmosphere", "On conservation of plant life", "On animal life", "On environmental testing", "On chemical pollution and protection of plants", "On radiation safety measures".

170. The criminal laws of the Kyrgyz Republic prescribe punishments for terrorism (art. 226 of the Criminal Code). By terrorism is meant causing an explosion or committing arson or other acts which endanger people's lives. Acts causing significant damage to property, or acts leading to other consequences dangerous to the public, if they are committed for the purposes of violating public safety, of scaring the population or of exerting pressure on the authorities' decisions, and likewise the threat to commit such acts for the same purposes, are punished by a term of imprisonment of between 5 and 10 years. The same acts committed (i) by a group of people by prior agreement; (ii) on more than one occasion; or (iii) accompanied by the use of a firearm are punished by a term of imprisonment of between 8 and 15 years. Acts committed by an organized group or resulting in manslaughter or other grave consequences are punished by a term of imprisonment of between 15 and 20 years.

171. To wilfully deprive a person of life is murder, therefore the circumstances surrounding the matter are investigated by the competent bodies, after which the case is handed over to the courts. If an individual was prevented from taking the intent to commit murder to its conclusion by circumstances beyond his control then the character of his act is determined by

article 15 of the Criminal Code of the Kyrgyz Republic, i.e. attempted murder - wilful deprivation of life. During 1997 the Kyrgyz Republic's courts considered several dozen cases in this category, however the absence of statistical data makes it impossible to name an exact figure.

172. To wilfully inflict punishment on a person is to commit any kind of physical or mental violence against an individual. Depending on the circumstances of the wilful punishment and its consequences the character of the guilty party's actions may be determined as a punishable criminal offence or as an administrative infringement.

173. The use of firearms by the (officers of the) Internal Affairs Organs is governed by art. 15 of the Law "On the IAO of the KR" entitled, "The use and utilisation of firearms". Officers of the Internal Affairs Organs use firearms in the following cases:

(a) To protect citizens and defend themselves against life- or health-threatening attacks, likewise to liberate hostages;

(b) To repel group or armed attacks on officers of the Internal Affairs Organs or other persons during the performance of their official duties, or of their public duty to keep the peace, or whilst fighting crime; likewise any attack which threatens their lives or health;

(c) To repel group or armed attacks on establishments of importance or under guard, citizens' homes, premises and buildings of State or public bodies, enterprises, institutions and organisations. To repel attacks on military or service details of Internal Affairs Organs;

(d) To detain persons displaying armed resistance, or persons apprehended committing a crime, or persons escaping from custody (except those held under administrative arrest); likewise to detain armed persons refusing to surrender their weapons.

174. As a rule a warning must be given of the intention to use firearms before firing. Firearms may be used without prior warning in the case of a sudden or armed attack; of an attack using military equipment, vehicles, aircraft, sea-(river)going ships; of liberation of hostages; of armed escape from custody or escape using vehicles, or escape of persons in custody from a vehicle in motion.

175. Officers of the Internal Affairs Organs are entitled to use firearms in the following cases:

(a) To inflict damage on a vehicle for the purpose of halting it if the driver refuses to obey the instructions of officers of the Internal Affairs Organs and endangers the health and life of citizens;

(b) In the case of an attack by animals;

(c) To give the alarm, summon assistance, and to give a warning shot.

176. It is forbidden to use firearms against women and minors except in case of an armed attack, armed resistance, seizure of hostages or vehicles, or of a group attack that endangers lives.

177. An officer of the Internal Armed Organs is entitled to draw his weapon and prepare to shoot if he considers that circumstances have arisen which may require its use. If a person under arrest commits an assault or other deliberately unexpected act or attempts to reduce the distance between them indicated by the Internal Affairs Organs officer, to draw anything from inside his clothing unless instructed to do so, to touch the officer's weapon, or to perform any other dangerous actions or movements which may be interpreted by the IAO officer as a threat of violence, this entitles the officer to make use of a firearm in accordance with the law.

178. In all cases when a firearm is used and utilized, it is the duty of an officer of the Internal Affairs Organs to take necessary measures to ensure the safety of the citizens in the vicinity, and to render emergency medical aid to the injured. In every case when a firearm is used the IAO officer must submit a report within 24 hours to the chief of the appropriate Internal Affairs Organ either where he is employed, or where the firearm was used.

179. Under the Law "On the Internal Affairs Organs of the KR" the Internal Affairs Organs must search for persons vanished without trace, persons who have committed a crime, are hiding from an inquiry or the courts, or are evading punishment and for other persons, the search for whom is the responsibility of the Internal Affairs Organs (Order No.023 of 4.09.96).

180. Under Article 18 of the Constitution, capital punishment may be imposed only in exceptional cases under the sentence of a court.

181. The Kyrgyz Republic has taken steps in relation to capital punishment which indicate a reduction in the use of capital punishment. Thus in the new Criminal Code the formal elements of crime for which capital punishment is prescribed have been reduced from 11 to 6. Under the previous Criminal Code the following were not subject to capital punishment: persons under 18 years at the time of committing a crime; women pregnant at the time of committing a crime or at the moment sentence was passed. Similarly, women pregnant at the moment the sentence was to be carried out were not liable to capital punishment (art. 22). Under the new Criminal Code minors and women are not liable to capital punishment.

182. Under article 50 of the Criminal Code of the Kyrgyz Republic a sentence of capital punishment may be imposed only for exceptionally grave crimes involving an assault on [human] life. The following are crimes of this sort:

(a) Murder (art. 97) in the following circumstances :

- murder of two or more persons;
- murder of a woman known to the perpetrator to be pregnant;
- murder of a person known to the perpetrator to be in a helpless state, or of a minor;
- murder of a person or of his close associates in connection with the performanceof his official duties, or of his public obligations;
- murder by means endangering the lives of many people;
- particularly cruel murder;
- involving rape or other forcible sexual satisfaction;
- murder for mercenary motives or on contract, or combined with extreme violence, extortion or banditry;

- murder committed on the grounds of interethnic, racial or religious hatred or hositility;
- murder motivated by hooliganism;
- murder involving kidnapping or hostage-taking;
- murder for the purpose of utilising the organs or tissues of the victim;
- for the purpose of concealing another crime,or facilitating its perpetration;
- murder committed by a group of people;
- serial murder;
- murder committed by a group or a criminal fraternity;

(b) Rape of an underage girl resulting in particularly grave consequences (art. 129);

(c) An attempt on the life of a person administering justice or conducting an investigation (art. 319);

(d) An attempt on the life of an employee of a law-enforcement agency, a serviceman, or on the life of persons close to them, for the purpose of obstructing the lawful activity of the said persons in protecting and ensuring public order and security, or in revenge for such activity (art. 340).

183. Cases in which the death sentence may be passed are examined by the Bishkek City Court, the Regional Courts, the Court Martial and the Supreme Court of the Kyrgyz Republic. Any person sentenced to capital punishment has the right to appeal for pardon (article 18 of the Constitution). Under article 75 of the Criminal Code of the Kyrgyz Republic a person sentenced to capital punishment has the right to appeal for pardon as soon as the sentence enters into legal force. It is the President who grants pardon in respect of specific individuals (article 46 of the Constitution, article 75 of the Criminal Code). Under article 49 of the Criminal Code, in case of pardon capital punishment is commuted to 30 year's imprisonment.

184. Article 327, chapter 28, section IV, of the Code on Criminal Procedure of the Kyrgyz Republic establishes the right to lodge a protest and appeal against sentence. The defendant, his defence lawyer and his legal representative, and likewise the victim or his representative have the right to appeal against the sentence of the court. The Procurator must lodge a protest against every unlawful or unsubstantiated sentence.

185. A Procurator is entitled to protest against a sentence irrespective of whether he supported the accusation before the first-level court. Until examination of the case by the second-level court commences the Procurator who lodged the protest or Procurator senior to him may withdraw the protest. A civil claimant, a civil defendant or their representative are entitled to appeal against a verdict in respect of the part relating to a civil claim.

186. Persons acquitted by the court have the right to lodge an appeal against the section of the verdict setting out the reasons and grounds for the acquittal.

187. There is no right of protest or appeal in relation to a verdict of the Supreme Court of KR.

188. According to available date, the courts sentenced the following number of persons to capital punishment: 83 in 1995, 72 in 1996, 35 in the first half of 1997.

Article 7

189. In accordance with the Constitution of the Kyrgyz Republic no one may be tortured, subjected to ill-treatment or inhuman, degrading punishment. Medical, biological and psychological experiments on people are prohibited without a voluntary agreement properly expressed and confirmed by the person participating in the experiment (art. 18).

190. Under article 325 of the Criminal Code of the Kyrgyz Republic an investigator who compels a suspect, the accused, the victim or a witness to give evidence or an expert to give an opinion by means of threats, blackmail or other unlawful actions shall be punished. The severity of the punishment increases if these acts are accompanied by violence against or humiliation of the person interrogated, and likewise if these acts entail grave consequences. Under article 21 of the Code on Criminal Procedure it is prohibited to solicit evidence from the accused or the defendant by means of violence, threats or other unlawful measures.

191. There is no definition of torture in the Criminal Code of the Kyrgyz Republic. However, article 111, chapter 16, section VII - offences against the individual - prescribes a punishment for ill-treatment, including ill-treatment with the use of torture, in the form of imprisonment for a period of 3 to 7 years. The Criminal Code of the Kyrgyz Republic makes it a punishable offence for an investigator to obtain testimony during questioning through threats, blackmail or other unlawful acts, and likewise by subjecting a person to violence or humiliation during interrogation (art. 325).

192. The accession in 1992 of the Kyrgyz Republic to the Geneva Conventions of 1949 and Additional Protocols I and II , and in 1996 to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ensures protection of persons from inhumane treatment at an international level, both in the event of armed conflict and in peacetime.

193. Under the KR legislation on criminal procedure preliminary detention is a measure to secure the appearance of the accused, the defendant, and likewise of a suspect in connection with a crime punishable by loss of liberty. The procedure governing preliminary detention is defined in the Regulations on Preliminary Arrest in the Code on Criminal Procedure and other KR legislation. The procedure governing preliminary detention extends also to convicted persons whose sentences have not yet come into force of res judicata.

194. In accordance with the Code, the task of legislation on preliminary detention is to establish the rules on holding persons whose appearance is being secured by means of detention in preliminary detention units so that they should not have the opportunity to escape from investigation and trial, to obstruct the truth being established in a criminal case, or to become involved in criminal activity, and likewise so as to ensure implementation of a sentence. Persons whose appearance is being secured by means of detention are held in investigatory confinement units. In some cases these persons may be held in prison, in a detention centre or in a guardhouse.

195. A person may not be held in custody for more than three days in a detention centre. If a prisoner cannot be delivered to an investigatory confinement unit because of distance or lack of appropriate communications, he may be held for a longer period not exceeding 20 days. In such cases, and also when a prisoner is held in prison in order to ensure his appearance, the regime under which he is held is governed by the Regulations on Preliminary Detention and Articles 406-424 of the Code on Criminal Procedure. The regime under which persons in custody are held (for a maximum of three days) in detention centres, or in a guardhouse under part 3 of article 4 of the Regulations on Preliminary Detention, is determined in the law of KR.

196. If a person held in custody offers physical resistance to the warders of a preliminary detention unit, behaves in an unruly manner or commits other violent actions, handcuffs or a strait-jacket may be used to prevent him harming others or himself. If a person held in custody attacks or otherwise deliberately and directly endangers the lives of the warders of a preliminary detention unit or other persons, or attempts to escape from custody, the use of firearms is permitted as an extraordinary measure if his actions cannot be stopped by other means. Firearms may not be used in case of escape from custody by a woman or by a minor. The management of a preliminary detention unit must immediately advise the procurator of every use of firearms.

197. The management of a preliminary detention unit may employ the following penalties in relation to persons in custody who violate the regime:

- a warning or a reprimand;
- extra cleaning duties;
- suspension for one month of the right to buy food and to receive the regular parcel by post or by hand.

A person held in custody who maliciously violates the regime may be incarcerated for up to 10 days (5 days in the case of minors) following a substantiated ruling by the head of the preliminary detention unit. Pregnant women and women held with children are not subject to incarceration.

198. The penalties imposed on persons held in custody must be proportionate to the gravity and nature of their deed. It is not be permitted to use measures intended to cause physical suffering or degradation to persons held in custody.

199. Appeals, statements and letters of persons in custody are checked through by the management of preliminary arrest units. Appeals, statements and letters addressed to the procurator are not liable to be opened and are sent to the addressee within 24 hours of presentation. In accordance with the KR laws on criminal procedure the management of a preliminary arrest unit shall forward appeals against the actions of persons conducting an inquiry or an investigation to the procurator within three days of presentation, and appeals against the actions of a procurator to a senior procurator. Other appeals, statements and letters relating to criminal proceedings are forwarded within three days of presentation by the preliminary detention unit's management to the person or body conducting the proceedings. They are read through by the person or body and forwarded to the addressee within three days of receipt. Appeals, statements and letters containing information which might prevent the truth being established in a criminal case are not forwarded to the addressee. The person held in custody and the procurator are advised accordingly. Appeals, statements and letters on matters unrelated to the criminal proceedings are duly considered by

the preliminary detention unit's management or are forwarded to the addressee in accordance with the procedure laid down by law.

200. Article 21 of the KR Criminal Code prescribes the basic and supplementary forms of punishment under criminal law which do not involve the infliction of physical suffering or of degrading treatment. Under the KR Code of Corrective Labour the implementation of punishments under criminal law must be so organized as to exclude the infliction of physical suffering or of degrading treatment. The aim of article 4 of the Kyrgyz Republic's Code of Corrective Labour is to ensure the implementation of punishment under criminal law so that it should act both as retribution for the crime committed, and should reform and re-educate those convicted through honest respect for labour, precise observance of the laws and respect for the rules of communal living, and serve to deter new crimes by those convicted and by other persons, and help to eradicate crime.

201. A court sentence in force of res judicata is the only basis on which convicted persons may be made to serve a sentence or subjected to corrective labour.

202. Article 7 of the same Code of Corrective Labour governs the principal forms of reform and re-education of convicts: "The principal forms of reform and re-education of convicts are: serving a sentence, socially useful labour, political education, education and vocational training". The choice of measures of reform and reeducation must take account of the nature of the crime committed and the extent of the danger to the public, the personality of the convicted person, as well as of his behaviour and attitude towards labour.

203. Persons serving a sentence of loss of liberty or of corrective labour without loss of liberty have the duties and rights established by law in respect of citizens of Kyrgyzstan, with the limitations prescribed by the laws relating to convicts, as well as the limitations arising from the court sentence and the regime fixed by the Code of Corrective Labour . The legal status of foreign citizens and stateless persons serving a sentence of loss of liberty or corrective labour without loss of liberty is defined by the laws which specify the rights and duties of these persons for the duration of their presence on the territory of the State, with the limitations prescribed by the laws relating to convicts as well as the limitations arising from the court sentence and the regime fixed by the Code of Corrective Labour.

204. The work of the institutions of corrective labour and of the bodies implementing the sentences of the courts to corrective labour without loss of liberty must at all times be in strict conformity with the laws. The officials of these institutions and bodies are responsible for ensuring that their work is performed in accordance with the law. Persons serving a sentence must unfailingly observe the requirements of the laws defining the regime and conditions under which it is to be served.

205. The following are the principal features of the regime in places where persons deprived of liberty are held: mandatory confinement and constant supervision of convicts, so that they should have no opportunity to commit fresh crimes or other anti-social acts; the convicts must precisely and without fail perform all their duties, the conditions under which they are kept varying according to the nature and extent of the public danger of the crime committed, the personality and behaviour of the convict. Convicts wear a uniform and are

subject to searches. Personal searches are carried out by a person of the same sex as the person being searched.

206. Premises equipped with cells serve to keep persons recognised as particularly dangerous recidivists, persons convicted for crimes listed in chapter 6, article 48, points 2 and 3 of article 48 [sic] of the Criminal Code of the Kyrgyz Republic, or for crimes committed while serving a sentence of loss of liberty, as well as persons whose sentence of capital punishment has been commuted, by pardon or by amnesty, to loss of liberty.

207. A strictly regulated internal order is established within corrective labour institutions. Inside corrective labour institutions convicts are not permitted to keep about their person money or valuables or objects whose use is forbidden. Under the procedure established for corrective labour institutions convicts are allowed to obtain food and essentials, with settlement on an non-cash basis. They may receive visits, parcels, printed material and money transfers, conduct correspondence, transfer money to their relatives. A list of the objects and things which convicts may keep about their person, and their number, is laid down in the Rules governing the internal order of corrective labour institutions.

208. The following apply to visits and correspondence:

(a) In corrective labour colonies women are entitled

- to eight short and four long visits per year;
- to receive and send letters, to receive unlimited printed matter and parcels by post or by hand;

(b) Convicts serving a sentence in corrective labour colonies of augmented regime are entitled

- to six short and three long visits per year;
- to receive and send letters, to receive unlimited printed matter and parcels by post or by hand;

(c) Convicts serving a sentence in corrective labour institutions of strict regime are entitled

- to four short and two long visits per year;
- to receive and send letters, to receive unlimited printed matter and parcels by post or by hand;

(d) Convicts in corrective labour colonies and settlements of every kind:

- are held under supervision but not under guard;
- in the hours between "reveille" and "retreat" are entitled to move freely about the territory of the entire colony;
- with the permission of the management of the colony may, if necessitated by the nature of the work in hand or in connection with training, move unsupervised outside the territory of the colony but within the bounds of the district, region or republic;

- may conduct correspondence, have visits from relatives and other persons, receive unlimited printed matter and parcels by post or by hand;
- with the permission of the management of the colony, and living conditions permitting, may live on the territory of the colony with their families, acquire a dwelling house in accordance with effective legislation, and acquire their own household effects;

(e) Convicts serving a sentence in prison are entitled

- to receive letters, to receive unlimited printed matter and parcels by post and by hand;
- to three short, two-hour visits per year;

(f) Convicts serving a sentence in educational labour colonies are entitled

- to one visit per month;
- to receive and send letters, to receive unlimited printed matter by post and by hand.

209. Convicts held in penal confinement or in cells are deprived of the right to visits, to receive parcels and printed matter, to obtain food and essentials, to send letters. They are not allowed to play table games or to smoke, and are not granted walks. Convicts held in disciplinary confinement or in cells are allowed the use of books, magazines, newspapers and other literature. During sleeping hours they are issued bedclothes. Convicts held in disciplinary confinement are granted one walk of one hour per day. Convicts held in penal confinement who are taken out to work perform the work separately from other convicts. Confinement in cells is solitary.

210. Convicts are granted visits. A visit of short duration lasts up to 4 hours, one of long duration lasts up to 72 hours. Short visits from relatives or other persons are conducted in the presence of a representative of the corrective labour institution. A long visit includes the right to live together, applicable to close relatives only (wife, husband, father, mother, grandfather, grandmother, son, daughter, grandson, granddaughter, brother and sister).

211. Convicted persons held in colonies and settlements of all kinds and in educational labour colonies may be permitted a short period of leave outside the bounds of the place where they are held in exceptional personal circumstances. The period shall not exceed seven days, excluding the time necessary for the return journey, not exceeding five days. The exceptional personal cirumstances are: the death or the grave, life-threatening illness of a close relative; a natural disaster inflicting significant damage to the property of the convict or his family. Permission for a short period of leave is given by the head of the corrective labour institution by agreement with the procurator, and takes into account the personality and behaviour of the convict. The time spent by the convict beyond the bounds of the corrective labour institution counts towards the sentence served. The convict's travel is paid by him personally or by his relatives. During the period the convict spends beyond the bounds of the corrective labour institution he is not credited wages. The procedure for granting convicts short periods of leave outside the bounds of the place where they are held in connection with exceptional personal circumstances is

determined in accordance with legislation by the Ministry for Internal Affairs by agreement with the Office of the Procurator.

212. A lawyer is given access to a convicted person serving a sentence of loss of liberty in order to provide legal advice, following an application in writing by the convicted person himself or his relatives or members of the public. The number and duration of meetings between the lawyer and the convicted person are not limited. The lawyer is allowed to enter the corrective labour institution on presentation of a warrant to provide legal advice and a document certifying his identity. The visit is conducted in private if the convicted person or his lawyer wish it.

213. Convicts are entitled to send proposals, statements and appeals to State bodies, public organizations and officials. Convicts' proposals, statements and appeals are forwarded to the addressee in accordance with the Rules governing the internal order of corrective labour institutions and are permitted under the procedure established by law.

214. Proposals, statements and appeals addressed to a procurator are not liable to be checked and are forwarded to the addressee within 24 hours. Convicted persons are advised of the outcome of checks of their proposals, statements and appeals, and sign to confirm receipt.

215. The Office of the Procurator of KR is responsible for supervising the observance of legality in preliminary detention units, and for supervising exact observance of the laws during implementation of sentences of loss of liberty (art. 11 Corrective Labour Code). The management of corrective labour institutions must obey the rulings and suggestions of the supervising procurator concerning observation of the rules under which sentences are served (art. 11 CLC).

216. Places of deprivation of liberty are equipped with the requisite units for treating alcoholism. Corrective labour institutions run as medical institutions treat and hold convicts suffering from infectious diseases. In places of deprivation of liberty the treatment of alcoholism and medical services are organized and conducted in accordance with public health legislation. In relation to persons deprived of their liberty, the Ministry for Internal Affairs and the Ministry for Public Health Care establish the procedures concerning the provision to them of medical assistance; the organization and conduct of medical supervision; the utilization of public health care clinics for treating alcoholism and for providing medical services, and the involvement of their medical staff .

217. In cases where the courts rule, in accordance with article 56 of the Criminal Code, that persons sentenced to loss of liberty must receive compulsory treatment for alcoholism or drug addiction, the treatment is implemented in the course of serving the sentence of loss of liberty. If it is established that a person serving a sentence of loss of liberty who has not been sentenced by a court to compulsory treatment is an alcoholic or a drug addict, the management of the corrective labour institution makes a submission to the court concerning compulsory treatment of the convict. If it is medically certified that the treatment of a convict is not complete by the time of his release from a place of deprivation of liberty, the management of the corrective labour institution makes a submission to the court concerning the extension of compulsory treatment beyond his release.

218. If a convict develops a chronic mental or other serious illness which constitutes an obstacle to continuing his sentence, the court may release him from continuing his sentence. The body in charge of implementing the penalty makes the submission concerning release from continuing a sentence on the grounds of illness or invalidity to the court. The submission to the court is accompanied either by a report from a medical commission or from a specialist commission on labour medicine, and by the convict's personal file.

219. The courts may impose the following compulsory medical measures on persons who commit actions dangerous to the public whilst not of sound mind, or who commit such actions whilst of sound mind but, before sentencing or while serving their sentence, develop a mental illness which prevents them being aware of and in control of their actions:

- commitment to a general psychiatric hospital;
- commitment to a specialised psychiatric hospital.

220. In accordance with article 53 of the Criminal Code of the Kyrgyz Republic compulsory treatment in a general psychiatric hospital is prescribed for a patient who constitutes a special danger to the public by reason of his mental state and the act committed by him. In accordance with article 54 of the Criminal Code of the Kyrgyz Republic the court may, on the advice of a medical institution, terminate compulsory medical measures or change their nature, if the person recovers or the nature of his illness so changes as to obviate the need for such measures. The court may transfer him to the care of his relatives or guardians under compulsory medical supervision. Article 55 of the Criminal Code of the Kyrgyz Republic stipulates implementation of the penalty after the person's recovery, unless the period of limitation has expired or other grounds exist for releasing him from criminal liability. If a penalty is imposed on such a person after his recovery, the period of compulsory medical measures counts towards the penalty.

221. In accordance with article 321 of the KR Code of Criminal Procedure, in order to settle issues concerning imposition of compulsory measures of a medical nature the court sets a date for a trial, orders that the procurator, defence lawyer and legal representative of the person in the case should be notified, and likewise summons witnesses and experts to the court. If the court recognizes that the person committed a socially dangerous deed whilst not of sound mind or after commiting it developed an incurable mental illness, it issues a ruling to dismiss the criminal case and, if necessary, to impose one of the compulsory medical measures. If the court establishes that the person committed a crime whilst of sound mind, but subsequently became mentally ill, it suspends proceedings till his recovery and rules on the imposition of compulsory medical measures. If the person to whom a compulsory medical measure has been applied recovers, the court's ruling to suspend proceedings is annulled and proceedings resume.

222. Articles 91, 92, 93, 94 and 95 of the Kyrgyz Republic's new Criminal Code stipulate the following compulsory medical measures in respect of mentally ill persons who have committed acts dangerous to the public:

- compulsory climinal exmination;
- commitment to a psychiatric hospital under standard supervision;
- commitment to a psychiatric hospital under intensified supervision;
- commitment to a psychiatric hospital under strict supervision.

The court extends, alters or terminates compulsory medical measures based on the opinion of a commission of pyschiatrists who examine persons held under compulsory medical measures not less than once every six months. Moreover, if there are no grounds for repealing the compulsory medical measures, the commission issues an opinion on the need to extend the aforesaid measures not less than once a year.

223. The criminal legislation of the KR specifies that those displaying cruelty towards children (beatings, ill-treatment) shall be held liable and shall be punished. The law specifies the disciplinary liability of those guilty of other forms of cruel treatment of children. According to data from bodies belonging to the Republic's Ministry of Internal Affairs, there are cases in which different kinds of cruelty towards children are displayed. Insensitive forms of upbringing and degrading treatment, including mental and physical violence, occur in families, educational institutions and other children's institutions. In such cases children and adults sometimes fall victim to various kinds of criminal assault.

224. Article 54 of the Code of Corrective Labour specifies security measures applicable to persons deprived of liberty. If persons deprived of their liberty offer physical resistance to staff of the corrective labour institution, display riotous conduct or commit other violent acts, they may be handcuffed or put in a strait-jacket, in order to prevent them harming themselves or others. The use of a strait-jacket shall be by order of the head of the corrective labour institution or of the person substituting for him, and under observation by a member of the medical staff. A report is drawn up concerning every use of a strait-jacket and the procurator is advised immediately . The strait-jacket is not used against convicted minors or women.

225. Torture and ill-treatment, like other punishable criminal offences against the individual which are dangerous to society, have not yet been fully eliminated in the Kyrgyz Republic. Ill-treatment still exists in some places owing to an insufficient understanding of the legal system and rather low professional competence among some civil servants. The State is consequently devoting much attention to this field and is taking appropriate measures to eliminate [ill-treatment]. On the one hand the study of law by officials is being extended by the State, while on the other hand the State is perfecting its various systems for checks and supervision by the Office of the Procurator so that everyone who ill-treats people, regardless in what capacity or for what purpose, when exposed shall be punished in accordance with the law. In addition to the various legal, judicial and administrative measures to prohibit ill-treatment, the State also uses the mass media in full measure as part of the system of checks, and has recourse to periodicals, newspapers, magazines, radio and television broadcasting and other mass media in order to expose and critize illegal deeds. The State uses specific cases as a warning about the consequences of subjecting people to ill-treatment and other kinds of degrading treatment, in order that citizens should develop a conscious desire to act within the law.

226. A mentally ill patient is examined in the out-patients' department of the local health centre by a physician, a neuropathologist and a psychiatrist. A commission ascertains the nature of the illness, announces its findings and, after consultation with his relatives, issues a directive for hospitalization in a specialized institution. There he is examined repeatedly to confirm the diagnosis and in respect of further treatment.

227. A person experiencing mental illness for the first time is sent to a special hospital, where he is examined before a clinical diagnosis is established. After a diagnosis of nervous and mental disorder is confirmed, after consultation with his relatives, psychotropic and other medical preparations are used.

228. Patients in an acute condition are forcibly laid down and held with restraints for two hours so that the acute condition can be treated. Later, if there is agitation after the effect of the medical preparation wears off, the patient is permanently isolated in a separate ward under the observation of a custodian, and special treatment is continued. If the condition worsens and the treatment administered is not effective, after the acute condition has been relieved, the patient is transferred, after consultation with his relatives, to a special closed institution.

229. In the Republic scientific research institutes, republican institutions and national centres function within the national health care system. The scientific research conducted there is in line with the scientific topics and programmes of the State Commitee for Science and New Technologies of the Ministry for Education, Science and Culture, in which experimental scientific research and experiments are performed on animals only. For scientific purposes it is permitted to conduct clinical trials of medical preparations after they have been approved on the appropriate animals. However, in the event of divergent laboratory analyses the clinical trials may be terminated earlier than scheduled.

Article 8

230. There is no legislation regulating slavery. However Kyrgyzstan is a signatory to the Slavery Convention signed at Geneva on 25 September 1926 and of the Protocol amending the Slavery Convention (came into force on 7 December 1953), and of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (came into force 30 April 1957).

231. In accordance with article 16 of the Constitution of the Kyrgyz Republic every person shall enjoy the right to freedom of labour. The forced labour of citizens shall be prohibited, except in cases of war, natural disaster, epidemic, or in other extraordinary circumstances, as well as in the execution of punishment upon sentence of the court (art. 28 of the Constituion of the Kyrgyz Republic). In accordance with article 12 of the Labour Legislation Code forced labour shall be prohibited, that is making people work by threat of any kind of punishment, except in cases of war, natural disaster, epidemic or other extraordinary circumstances, as well as in the execution of punishment upon sentence of the court.

232. In accordance with article 42 of the Criminal Code of the Kyrgyz Republic community service may be imposed as a punishment on persons who have committed a crime. In accordance with article 43 of the Criminal Code community service consists of performance by convicted persons of unpaid work for the community in the time free from work or studies, and the kind of work is determined by the bodies in charge of execution of the sentence. The period set for community service varies between 40 and 240 hours. Convicted persons serve without remuneration in the time free from work or studies for not more than four hours

per day, in the case of the unemployed not more than eight hours per day. Community service may not be imposed on:

- servicemen;
- women over 55 and men over 60 years of age;
- pregnant women;
- women on leave for the purpose of child care;
- disabled persons in categories I and II;
- minors under the age of 16 at the time of sentencing.

233. One kind of punishment is corrective work without loss of liberty. This kind of punishment is served at the place of work.

234. Persons deprived of liberty are enlisted to perform socially useful labour because every convicted person has a duty to work. The management of the corrective labour institutions has a duty to ensure that convicted persons are enlisted to perform socially useful labour, taking into account their ability to work and, if possible, their profession.

235. Persons serving their sentence in a special regime corrective labour institution are as a rule used to perform laborious tasks. As a rule convicted persons are enlisted to work in enterprises belonging to corrective labour institutions. Convicted persons serving a term of imprisonment labour only on the territory of the prison. A list of tasks and posts in which it is forbidden to use persons sentenced to loss of liberty is established by the rules governing the internal order in institutions of corrective labour. The labour of convicted persons is organized taking into account the various requirements stipulated in article 18 of the Corrective Labour Code.

236. In some cases convicts may be enlisted to work in the enterprises of other ministries and departments providing the convicts are suitably isolated and under guard. The productive and economic activity of institutions of corrective labour must be subordinated to their basic task of correction and reeducation. Persons serving a sentence in institutions of corrective labour and prisons work an eight-hour day. Work (shifts) starts and finishes at the time established in the rules governing the internal order of institutions of corrective labour. Convicts are granted one day of rest each week. They are freed from work on holidays, in accordance with labour legislation. If it is necessary to enlist convicts' services on rest days or holidays, they are enabled to rest on other days within one month.

237. In the case of work where conditions make it impossible to observe the daily or weekly duration established for convicts' working time, it is permitted in accordance with labour legislation for accounting to be in terms of the total number of hours worked over a period, provided the average duration of working time over the accounting period does not exceed eight hours per day. The number of hours worked per day by convicts serving a sentence in institutions of corrective labour, and the number of their rest days per week, are established on the standard basis and in accordance with labour legislation.

238. Persons deprived of liberty are not entitled to vacations while serving their sentence. Female convicts are released from work during pregnancy and childbirth for periods established by labour legislation.

239. The time spent serving a sentence of deprivation of liberty does not count towards a convicted person's length of labour service, except in special cases prescribed by law.

240. Convicts may be enlisted to work without pay only for the purposes of making improvements to the place of deprivation of liberty and its adjoining territories, as well as to convicts' living conditions and cultural amenities, by order of the management of the corrective labour institution. As a rule convicts are enlisted for such duties by turn outside working hours. The duration of such duties must not exceed two hours per day.

241. The KR Law of 7 May 1993 rules out sentencing to provisional loss of liberty with compulsory labour, and provisional release with compulsory labour.

242. Under article 3 of the Kyrgyz Republics's Law "On the Universal Military Obligation of Citizens of the Kyrgyz Republic" all male citizens of the Kyrgyz Republic are obliged to serve in the ranks of the country's Armed Forces, irrespective of origin, property status, position, education, language, religion, type and nature of occupation, place of residence, political and other inclinations, race or ethnic background. Female citizens of the Kyrgyz Republic between the ages of 19 and 40 with medical or other special training may be entered on the military register in peacetime, may be called up for training, and also may be accepted for military service as volunteers. Military service consists of service in the standing forces, and service in the reserve of the Armed Forces of the Kyrgyz Republic. Male citizens who have reached the age of 18 on the day of conscription serve in the standing forces.

243. Article 13 of the Law establishes the following periods of service in the standing forces:

(a) For soldiers and sergeants in the infantry, the air force, the interior forces, border forces, National Guard, anti-aircraft units - 1 year and 6 months, and for soldiers and sergeants with higher education- 1 year;

(b) For sailors and petty officers serving in the crew of a naval unit - 2 years, and for those with higher education - 1 year and 6 months. For sailors and petty officers not serving in the crew of a naval unit the period of service is established in accordance with point (a).

244. Periods of military service in the standing forces are calculated:

(a) For those conscripted in the first half of the year - from 1st July of the year of conscription;

(b) For those conscripted in the second half of the year - from 1st January of the year following the year of conscription.

245. After serving a penal sentence, persons are not liable for military service in the standing forces if their conviction was for a grave crime or if they have two or more convictions.

246. Under Article 29 the following are exempt form conscription for active military service:

(a) Conscripts who for health reasons are considered unfit for military service in peace-time, are conditionally fit in time of war, or are unfit for military service and struck off the military register;

(b) Persons who have reached the age of 27, if there were legitimate grounds for not conscripting them for a period of military service earlier;

(c) Persons sent for alternative (non-military) service;

(d) Persons who have done a period of military service in the Armed Forces of another country before becoming citizens of the Kyrgyz Republic;

(e) Persons who have undergone a full course of military training under the Officers' Reserve programme, and have been awarded officer's rank.

247. Under article 1 of the Kyrgyz Republic's Law "On alternative (non-military) service", alternative service is a special kind of national service. A citizen of the Kyrgyz Republic of military age is entitled to enlist for alternative service if he is a member of a registered religious organization whose dogma forbids the use of arms and service in the Armed Forces. The period of alternative service is 36 months, and for persons with higher education - 18 months. Citizens on alternative service shall work in the national economy of the Kyrgyz Republic regardless of the [organization's] departmental affiliation, form of ownership and management structure and, as a rule, in the citizen's permanent place of residence. Citizens on alternative service are paid a sum equivalent to 80 per cent of their wages, and 20 per cent of their wages are paid by the enterprise, institution or organisation to the Ministry of Defence of the Kyrgyz Republic.

248. Under the Regulations on alternative (non-military) service by citizens of the Kyrgyz Republic, approved by Decree No. 847 of the Government of the Kyrgyz Republic dated 28 November 1994, the Ministry of Defence of the Kyrgyz Republic, through the local military offices (the military commissariats) in cooperation with the local government adminstrations, is in overall charge of conscription and appointment to alternative service, of verifying the performance of alternative service and the flow of deductions from the wages of citizens performing alternative service.

Article 9

249. Under the Constitution of the Kyrgyz Republic every person enjoys the right to liberty and security of person (art. 16). No one may be subjected to arrest or detention except on the basis of law (art. 18). Limitations of personal, physical and moral security are allowed only on the basis of law by the decision of a court as punishment for a crime committed. Any actions aimed at imposing responsibility for a crime on a person before the sentence has been passed by the court are not allowed, and are grounds for material and moral compensation to the victim by the court.

250. In accordance with article 12 of the Code of Criminal Procedure of the Kyrgyz Republic no one may be arrested (deprived of liberty) except on the grounds of a judicial decision or with the approval of a procurator. The Criminal Code of the Kyrgyz Republic stipulates penalties for unlawfully detaining or holding [anyone] in custody (art. 324 of the Criminal Code of the Kyrgyz Republic).

251. Under article 75 of the Code of Criminal Procedure "Taking measures to secure the appearance of the defendant", if there are sufficient grounds to think that the accused will, if left at liberty, evade the inquiry or trial, or will obstruct the establishment of truth about a criminal case or will engage in criminal activity, and also in order to ensure the execution of a sentence, the person conducting the inquiry or the investigation, the procurator or the court is entitled to take the defendant into custody as one of the measures to secure his appearance. Measures to secure the appearance of the defendant are taken only after a suspect in a case has been charged (art. 75 of the Code of Criminal Procedure of the Kyrgyz Republic). In exceptional cases the measures may be taken against a person suspected of a crime before he is charged. The charge must then be brought within 10 days of the moment the measures were taken (art. 76 of the Code of Criminal Procedure of the KR).

252. Under article 109 of the Code of Criminal Procedure the inquiry agencies are entitled to detain a person suspected of committing a crime. Under article 426 of the Code of Criminal Procedure grounds for detaining a person on suspicion of committing a crime are:

(a) The person is caught in the criminal act or immediately after committing it;

(b) Eyewitnesses, including the victims, directly point out the person as the one who committed the crime;

(c) Clear traces of the crime are discovered on a suspect or on his clothing, in his possession or in his dwelling.

If other facts give grounds for suspecting a person of the crime he may be detained only if he has made an attempt to escape, or if he has no fixed abode or if the identity of the suspect has not been established.

253. Under article 429 of the Code of Criminal Procedure when a person suspected of committing a crime is detained, the agencies of inquiry and investigation advise his family, if its place of residence is known. In case of detention on suspicion of committing a grave crime, the family is advised if this will not obstruct the investigation of the criminal case. If a minor is detained, it is mandatory to advise his parents or the persons acting in their place.

254. Under article 434 of the Code of Criminal Procedure persons arrested on suspicion of committing a crime have the right:

- to know of what they are suspected;
- to have a counsel for the defence;
- to appeal against the actions of persons conducting the inquiry, the investigator or the procurator, to give explanations and submit petititons;
- to send appeals and statements to state bodies, public organisations and officials.

255. Under article 75 of the Code of Criminal Procedure other measures may be taken to secure the appearance of the defendant:

- a signed undertaking not to leave;

- a personal guarantee of the defendant's appearance with criminal responsibility for non-appearance, or surety by a public organization;
- bail.

256. A signed undertaking not to leave consists of an undertaking by the defendant not to leave his place of residence or temporary address without the permission of the person conducting the inquiry, the investigator, procurator, court. A guarantee of the defendant's appearance consists of trustworthy persons undertaking an obligation in writing that they guarantee the defendant's appearance when summoned by the person conducting the inquiry, the investigator, the procurator, the court. There must be at least two guarantors. Surety by a public organization consists of a public organization undertaking an obligation in writing that it guarantees appropriate behaviour by the defendant and his appearance when summoned by the person conducting the inquiry, the investigator, the procurator and the court. Bail is a sum of money paid into a special account on their own initiative by the accused, a suspect, a defendant, or another person, or an organization.

257. Article 28 of the Code of Criminal Procedure of the Kyrgyz Republic recognizes as the accused the person against whom it has been resolved, in accordance with procedure laid down in the present Code, to bring charges. Every person is ensured the presumption of innocence (art. 39 of the Constitution, art. 3 of the Criminal Code of the Kyrgyz Republic). In accordance with Article 28 of the Code of Criminal Procedure of the Kyrgyz Republic the accused shall have the right to know the charges against him. Under article 136 of the Code of Criminal Procedure of the Kyrgyz Republic charges must be brought against the accused within 48 hours of the moment the resolution to bring charges is issued and in any case not later than on the day the accused appears or is brought before the court. However this period is revived if the accused hides from the investigation. The investigator declares a resolution to bring charges and explains the nature of the charges.

258. The Code of Criminal Procedure lays down the duration of the inquiry (art. 108), of the preliminary investigation (art. 124), of the court's examination of the case from the moment proceedings begin (arts. 221 and 235), and governs the procedure for extending these durations. Legislation thus creates a situation in which any accused person is tried without unjustified delay.

259. Under article 28 of the Code of Criminal Procedure the accused has the right to participate in the hearing of a case in a court of original jurisdiction. The hearing of a case in a court of original jurisdiction takes place with the participation of the accused, whose presence is compulsory (art. 241 CCP). If the defendant does not appear the case must be postponed (art. 242 CCP). Under article 31 of the CCP the accused and defendant appoints counsel for the defence lawyer. In accordance with article 32 of the CCP the accused or defendant is entitled to dismiss counsel for the defence. Such a dismissal may occur only on the initiative of the accused or defendant himself. If counsel for the defence is dismissed, the accused or defendant conducts his own defence. However, in certain kinds of case the involvement of counsel for the defence is mandatory under article 30 of the CCP, and counsel for the defence is appointed by the investigator or the court through the bar association, in accordance with Article 31 CCP.

260. Under article 88 of the Constitution of the Kyrgyz Republic citizens without financial means shall be given legal assistance and defence at the expense of the Government. In accordance with article 29 CCP if an accused or defendant is fully or partly exempted from paying for legal assistance, the payment is made at the expense of the bar association or at the expense of the Government.

261. The Criminal Code of the Kyrgyz Republic lays down statutory penalties in case the person conducting an investigation forces the person questioned to give evidence during interrogation by means of threats, blackmail or other unlawful actions, or by using violence or humiliation (art. 325).

262. Minors are given special attention throughout criminal proceedings.

263. A criminal case may not be instituted, and if insituted is subject to termination, against a person who at the moment of committing a crime is below the age at which criminal responsibility begins under the law (art. 6 CCP). If a person under the age of 18 commits a crime which is not very dangerous to the public, and reform is possible without the imposition of a criminal penalty, the court, the procurator and, with the agreement of the procurator, the investigator, may release the minor from criminal liability. His files are then sent to the Commission on Cases Involving Minors, which imposes compulsory educational measures (art. 10 of the Criminal Code of the Kyrgyz Republic, 9,11 CCP).

264. The participation of counsel for the defence is mandatory in cases involving minors (art. 30 CCP). If an accused or defendant who is a minor dismisses counsel for the defence, this is not binding on the investigator, procurator and court (art. 32 CCP).

265. The Code of Criminal Procedure singles out particular circumstances in cases involving minors which should be clarified during preliminary investigation and trial (art. 53 CCP).

266. In order to ensure the appearance of an accused minor, he may be placed in an appropriate children's institution or entrusted to the care of his parents, tutors or curators in exchange for a written undertaking to ensure the appearance of the accused before the investigator and the court on first demand (arts. 75, 86 CCP). Short-term arrest and detention in custody may be used as a measure for ensuring appearance against a minor only in exceptional cases, when the crime is grave or committed repeatedly (art. 78 CCP). Minors detained on suspicion of committing a crime are held separately from adults. In exceptional cases it is permitted, given the approval of a procurator, to hold adults in cells with minors (art. 433 CCP).

267. An accused person under the age of 16 is as a rule summoned before the investigator and the court either through his parents or other legal representatives (art. 134 CCP). When questioning a minor, the investigator decides whether to involve teachers, doctors or parents, who are entitled to put questions to the accused (art. 138 CCP). The parents and other legal representatives of an under-age defendant must be summoned to the court session. They have certain procedural rights (art. 243 CCP). In cases involving minors the court is entitled to involve in the trial representatives of the enterprises, institutions and organizations where the minor studied or worked,

commissions and supervisory agencies on cases involving minors, and other organisations if necessary (arts. 246, 250 CCP).

268. Under Article 83 of the Criminal Code of the Kyrgyz Republic under-age first offenders who commit crimes that are not grave or are less grave may be absolved of criminal liability if it is considered that he can be reformed by imposing compulsory measures with an educational purpose. Under article 86 of the Criminal Code, under-age first offenders who commit crimes that are not grave may be absolved of criminal liability, and the file transferred for consideration by the Commission on Cases Involving Minors if, given the nature of the deed, the personality of the guilty individual and other circumstances in the case, it is possible to reform him without imposing a penalty.

269. Moreover, the court may, given the existence of grounds stipulated in part 1 of article 86 of the Criminal Code, reprieve an under-age first offender who commits a crime that is not grave from punishment and the imposition of compulsory measures (art. 86 of the Criminal Code). If after trying a case, the court concludes that a person under the age of 18 who committed a crime posing no great danger to the public, can be reformed without imposing a criminal penalty, it issues a guilty verdict without prescribing a criminal penalty, and imposes on him one of the compulsory educational measures (arts. 10, 57 of the Criminal Code, art. 302 CCP).

270. Punishment is a coercive measure imposed on behalf of the State by a court on a person found guilty of committing a crime, and consists of depriving the person convicted of liberty, or limiting his rights and liberties. Punishment is imposed for the purposes of restoring social justice, reforming the convicted person, and also of deterring both the convicted person and other persons from committing more crimes. The aim of punishment is not to cause corporal suffering or degradation.

271. A person may be deprived of liberty by a court verdict for a crime committed, or by a court resolution for an administrative infringement. For committing an administrative infringement a person may be subjected by a court resolution to penal arrest for upto 15 days. Under article 48 of the Criminal Code arrest as a form of punishment shall be for a term of between 1 and 6 months. Pregnant women, women with small children, and minors under the age of 16 at the time of sentencing shall not be liable to arrest.

272. Deprivation of liberty consists of forcibly isolating the convicted person from the public by placing him in a colony-settlement, or sending him to a corrective colony of the general, augmented, strict or special regime type, or to prison. Deprivation of liberty is prescribed for a term of 6 months to 20 years. Where terms of deprivation of liberty are partly or wholly cumulative, the total term of the cumulative punishment may not exceed 25 years, and the total of the sentences may not exceed 30 years. A sentence of death commuted by pardon may be replaced by deprivation of liberty for a term of 30 years.

273. Article 12 of the Code of Criminal Procedure on "Personal immunity" guarantees that "No one may be arrested except on the grounds of a judicial decision or with the approval of a procurator". The procurator is obliged to release immediately any person unlawfully deprived of freedom or held in custody for a period exceeding that stipulated in law or by judicial sentence.

274. Criminal justice is administered on the principle that citizens are equal before the law and the court, irrespective of origin, social and property status, race and nationality, sex, education, language, attitude towards religion, type and nature of occupation, place of residence and other circumstances.

275. Trials are held publicly in all courts, with the exception of cases involving State secrets. In addition a closed trial is permitted where the court issues a substantiated ruling or a judge so rules, in relation to cases involving crimes committed by persons under the age of 16, in cases of sexual crime and others where it is desirable to avoid publicizing information about the private lives of the people involved, and also in cases where it is necessary for the security of the victim, witnesses or other persons involved, members of their family or close relatives. The rules of judicial procedure are fully observed where hearings are conducted in closed court. The sentence of the court is announced publicly in all cases.

276. Petitions submitted by the parties are examined by the court, which replies in the form of a substantiated ruling. By a ruling of the Code of Criminal Procedure of the Kyrgyz Republic, appeals against judicial decisions are examined by the Supreme Court only. Appeals are registered and within the period laid down by the law receive a response from the Chairman or his deputy, while some appeals are submitted to the Collegium or the Plenum.

Statistics on cases tried and outcomes in 1995-1997

	Criminal cases tried	1995	1996	1st half 1997
1.	Number of criminal cases tried, with sentence passed	14 466	14 598	8 229
2.	Number of persons sentenced to loss of liberty	10 991	11 176	6 471
3.	Number of persons convicted without loss of liberty	7 624	7 543	3 958
4.	Number of persons acquitted	122	101	95
5.	Number of persons against whom charges dropped, due to absence of corpus delicti	52	75	13
6.	Number of persons sentenced to the death penalty by the courts	83	72	35
7.	Number of persons unlawfully convicted by the courts	20	5	8
8.	Number of persons rehabilitated, subjected without justification to repression in the 30s, 40s and early 50s	178	12	5

277. Article 20 of the Code of Criminal Procedure guarantees that suspects, persons accused and defendants are entitled to be defended. The person

conducting an inquiry, the investigator, procurator and court are obliged to ensure suspects have the opportunity to use the ways and means established by the law to defend themselves, as well as to ensure the protection of their personal and property rights.

278. The involvement of counsel for the defence is permitted: from the moment charges are brought; where a person suspected of committing a crime is detained, from the moment the detention record is read to him; where a person is taken into custody before being charged, as a measure to ensure his appearance in court, from the moment the resolution to invoke this measure is read to him, and in any case not later than 24 hours from the moment of detention in both the latter cases. If the appearance of the person chosen as counsel for the defence by the suspect or the accused is not possible within that time, the person conducting the inquiry, the investigator or procurator is entitled to suggest that the suspect or accused call someone else to defend him, or to provide defence through a legal advice office. Lawyers, representatives of trade unions and of other public organizations that concern themselves with cases involving their members may act as counsel for the defence. A court may decide or a judge may rule to allow a close relative or an acquaintance of the suspect, accused or defendant to act as counsel for the defence.

279. The head of the legal advice office or the Presidium of the bar association are obliged to provide a lawyer to defend the suspect, accused or defendant. The head of the legal advice office or the Presidium of the bar association, and likewise the agencies of inquiry and preliminary investigation, the procurator and the court dealing with the case are entitled, in line with the procedure stipulated by the laws of the Kyrgyz Republic, to waive payment by the suspect, accused or defendant for legal assistance wholly or in part. If payment is waived by the head of the legal advice office or the Presidium of the bar associatation, the services of counsel for the defence are paid at the expense of the bar association funds, in other cases at the expense of the State. When payment for a lawyer's services is made on the instructions of the Council of Ministers of the Kyrgyz Republic, the expense is charged to the [State] budget, as it is when a lawyer participates by appointment in an inquiry, preliminary investigation and in court. In such a case a convicted person may be ordered to repay the expenses to the State, with due regard for the rules set out in article 94 CCP.

280. The participation of counsel for the defence in a court hearing is mandatory:

- in cases where the State or public prosecutor is involved;

- in cases involving minors;

- in cases involving persons who are dumb,deaf, blind and others who are not themselves able to exercise their right to defence by reason of their physical or psychological limitations;

- in cases involving persons who do not have a command of the language in which the judicial proceedings are conducted;

- involving persons accused of committing crimes for which the death penalty may be imposed;

- involving persons with conflicting interests, one of whom has counsel for the defence.

281. In cases stipulated in points 2-4 of the above-mentioned article, the participation of counsel for the defence is mandatory during the inquiry, preliminary investigation and court hearing in accordance with the procedure stipulated in the first part of article 29 CCP, and in cases stipulated by point 5 of article 29 CCP from the moment the person is charged. In cases where counsel for the defence is not called by the suspect, accused, defendant, by his legal representative or other persons on his behalf, the persons conducting the inquiry, the investigator, procurator and court are obliged to ensure that counsel for the defence is involved in the case.

Article 10

282. Persons sentenced by a court to loss of liberty are held in corrective labour institutions. Men sentenced to loss of liberty serve their sentence as follows:

- Persons who commit a first offence through negligence serve a term of loss of liberty not exceeding five years in a settlement-colony;

- Persons sentenced for the first time to loss of liberty for a premeditated minor crime, and also for a relatively less serious crime, and equally persons sentenced to loss of liberty for offences committed through negligence, serve a term exceeding five years in a corrective labour colony with ordinary regime;

- Persons sentenced for the first time to loss of liberty for seious or especially serious crimes - in corrective colonies with augmented regime;

- In case of recidivism by a person who earlier served a sentence of loss of liberty, also in case of dangerous recidivism - in a corrective colony with strict regime;

- In case of especially dangerous recidivism, and also persons whose sentence of capital punishment is commuted by pardon - loss of liberty in corrective colonies with special regime.

283. Women sentenced to loss of liberty serve their sentence as follows:

- Persons who commit a first offence through negligence serve a term of loss of liberty not exceeding five years in a colony or settlement;

- Persons sentenced for especially serious crimes, and also in case of especially dangerous recidivism - in colonies with strict regime;

- Other convicted persons - in colonies with ordinary regime.

284. Persons convicted to loss of liberty for committing an especially serious crime, also in case of especially dangerous recidivism, may be sentenced to serve part of the term in prison, but not more than five years.

285. Persons sentenced to loss of liberty who are under the age of 18 at the time the court's verdict are sent to educational colonies with standard or augmented regime.

286. The kind of corrective institution to which a convict is allocated may be changed by a court, on the grounds and in accordance with the procedure established by the laws of the Kyrgyz Republic.

287. Under article 413 of the Code of Criminal Procedure of the Kyrgyz Republic convicts are held separately from other persons in custody. In accordance with article 7 of the Code of Corrective Labour of the Kyrgyz Republic, the principal means for reforming and re-educating convicts are the regime under which a sentence is served, socially useful work, work of a socially educational nature. Under article 18 of the CCL, arrangements are made to hold minors and adults separately in corrective labour institutions.

288. The principles underlying criminal justice and the Code of Criminal Procedure ensure that decisions to take persons accused of committing a crime into preliminary custody are substantiated and lawful. Accused persons are held separately from sentenced criminals.

289. Article 5 of the Code of Criminal Procedure stipulates that a person may not be indicted otherwise than on the grounds and in accordance with the procedure established by law.

290. Article 332 of the Code of Criminal Procedure stipulates the consequences when an appeal or objection is launched. An appeal or objection against a sentence causes its implementation to be suspended. When the period laid down for appeals and objections expires, the court which passed sentence sends the case, together with appeals and objections received, to the appellate court and advises the persons concerned of the day on which the appellate court will consider the case.

291. Article 381, chapter 31 of section six, "verifying that sentences, court orders and rulings which have come into force of res judicata are legal and substantiated", stipulates that sentences, court orders and rulings which have come into force of *res judicata* may be reviewed under supervision procedures. It is permitted to review sentences, court orders and rulings which have come into force of *res judicata* under supervision procedures only in case of objection by a procurator, court representative or his deputy, entitled to so object under the legislation of the Kyrgyz Republic. The Procurator General and the Chairman of the Supreme Court of the Kyrgyz Republic and their deputies are entitled to object against a sentence or an order of a people's district (city) court and a ruling by a people's judge, a ruling by the presidium of a people's court and by the presidium of an *oblast* court, a sentence or an order by a city court, a Court Martial of the Republic of Kyrgyzstan and rulings by judges of the city and *oblast* courts.

292. It is possible to lodge objections against the sentences and court orders of the bench of the Supreme Court of the Kyrgyz Republic and against rulings by the judges of the Supreme Court of the Kyrgyz Republic. The Procurator General and the Chairman of the Supreme Court of the Kyrgyz Republic may lodge objections against rulings by the Presidium of the Supreme Court of the Kyrgyz Republic.

293. The procedure for lodging an appeal is governed by the Kyrgyz Republic Law "On the procedure for considering citizens' appeals". This does not in any way limit the ability of citizens who have not reached their majority from lodging appeals either directly or through a representative.

294. Appeals against the actions of an inquiry agency or an investigator are submitted directly to a procurator either through the person conducting the inquiry, or through the investigator against whose actions the appeal is made. Appeals may be written or verbal. In the latter case a record is drawn up, which is then signed by the petitioner. Within 24 hours the appeal must be forwarded to the procurator, together with their own explanations, by the persons conducting the inquiry.

295. Until an appeal is determined, the fact of its reception does not stay implementation of the action against which the appeal is made, if the person conducting the inquiry, the investigator or the procurator, as appropriate, does not consider this necessary (art.20). Within three days of receiving an appeal, a procurator is obliged to determine it and to advise the petitioner of the result. In the event of rejection, the procurator is obliged to state the reasons for which the appeal was found unjustified. The person conducting an inquiry, the investigator, and equally the petitioner may appeal against the procurator's ruling to a senior procurator (art. 20 CCP).

296. Persons detained in custody are held in communal cells. In exceptional cases, given a reasoned ruling made by the person or body dealing with the case, or by the head of the preliminary detention unit, and authorized by a procurator, they may be held in one-man cells.

297. When placing persons in custody in cells, they must be separated as follows:

- Men are placed separately from women;
- Minors are placed separately from adults; in exceptional cases, with authorization from a procurator, it is permitted to hold adults in cells in which there are minors;
- Persons who have served a sentence in places for deprivation of liberty are placed separately from persons who have not been in custody before;
- Persons accused or suspected of committing especially dangerous crimes against the State are, as a rule, placed separately from others in custody;
- Especially dangerous recidivists - separately from others in custody;
- Convicts - separately from others in custody, and under the regime of the kind of corrective labour colony stipulated by the sentence;
- Foreign citizens and stateless persons - as a rule, separately fom others in custody.

298. Persons suspected or accused in the same case are held apart, if the person or body dealing with the case so instructs.

299. In accordance with part five of article 8 of the Regulations concerning preliminary detention, the procedure in accordance with which persons in custody are sent to the sanatorium within a detention centre is established by the Ministry of Internal Affairs of the Kyrgyz Republic.

300. Persons whose appearance is being secured by means of detention are held in investigatory confinement units. In some cases these persons may be held in prison, in a detention centre or in a guardhouse.

301. A person may not be held in custody for more than three days in a detention centre. If a prisoner cannot be delivered to an investigatory confinement unit owing to distance or lack of appropriate communications, he may be held for a longer period not exceeding 20 days. In such cases, and also when a prisoner is held in prison in order to ensure his appearance, the regime under which he is held is governed by the Regulations on Preliminary Detention and articles 406-424 of the Code of Criminal Procedure of KR.

302. If criminal proceedings for another crime are instituted against a person serving a sentence in a place of deprivation of liberty, and it is decided to secure his appeance by means of detention, the person or body in charge of the case may rule to hold him in the penal confinement unit of a corrective labour colony or in the disciplinary confinement unit of an educational labour colony.

303. In institutions of corrective labour (except in settlement colonies) arrangements are made to hold men and women separately, and to isolate minors from adults. Men sentenced to loss of liberty for the first time are held separately from those who have served such a sentence previously; those convicted of a minor offence separately from convicted for the first time of a serious crime; convicted foreign citizens and stateless persons are as a rule isolated in custody from convicted citizens of the Kyrgyz Republic.

304. There are separate settlement colonies for the following: convicts sentenced by the court to settlement colonies for persons sentenced to loss of liberty; convicts sentenced by the court to settlement colonies for persons firmly on the road to reform, in accordance with the procedure stipulated by article 72 of the Code.

305. The requirement to hold convicts separately does not extend to the sanatoria within places of deprivation of liberty, or to corrective labour institutions for holding and treating convicts suffering from infectious diseases. Persons sent to the aforementioned colonies are held in accordance with the regime of the kind of colony chosen by the court. Convicts are held in these, and also in sanatoria, in the manner determined by the Ministry of Internal Affairs of the Kyrgyz Republic.

306. The principle methods used to reform and re-educate convicts consist of the regime under which their sentence is served, socially useful labour, social and political education, general education and vocational training. The choice of measures of reform and re-education must take account of the nature of the crime committed and the extent of the danger it posed to society, the personality of the convicted person, as well as of his behaviour and attitude towards labour.

307. The community participates in the reform and re-education of convicts, and also in exercising public supervision over the activity of the institutions and bodies which implement the courts' sentences of loss of liberty. Socially educational work with persons deprived of liberty takes the following principle forms:

(a) Individual work, based on an in-depth study of the personality of each convict, and taking into account the crime committed by him, his age, education, profession and other characteristics;

(b) Campaigns, publicity and popular cultural experiences;

(c) Competition at work.

308. Socially educational work with persons deprived of liberty varies according to the regime of the corrective labour institution. In prisons and in premises organised as cells, socially educational work takes place mainly in the cells and consists of group and individual discussions.

309. Convicts' hobby groups are organized in corrective labour institutions, working under the guidance of the institutions' administration, in order to develop the group skills of convicts serving a sentence in places of deprivation of liberty, to encourage positive initiative among them and to use group influence to reform and reeducate the convicts. Convicts who become members of hobby groups are not exempted from their normal production work.

310. There are convicts' community councils, on which serve persons whose behaviour and conscientious attitude towards work are exemplary. These councils are created in general, augmented and strict regime corrective labour colonies, in settlement colonies of every kind, also among convicts left in accordance with article 16 of the Code in investigatory confinement units or in prison for housekeeping work and among convicts transferred from premises organized as cells to regular living quarters in special regime colonies.

311. Community councils are elected at general meetings of the convicts or at meetings of their representatives. The head of the corrective labour institution confirms the composition of the representatives' council. Community councils report regularly on their work at convicts' meetings. The head of the corrective labour institution confirms decisions made by the community council. In prisons and among convicts held in premises organized as cells in special regime corrective labour colonies there are councils of team leaders, appointed by the administration of the corrective labour institution.

312. In corrective labour institutions general secondary education is provided for the younger elements. Convicts over the age of forty, and invalids in categories one and two are enrolled for general education courses on a voluntary basis. Attendance by convicts at general education courses is encouraged, and is taken into account in determining the extent of their reform and reeducation.

313. Corrective labour colonies provide vocational education or vocational in-work training to convicts who do not have a trade. Convicted invalids in categories one and two are enrolled for vocational training or vocational in-work training on a voluntary basis. In educational labour colonies, vocational

training and vocational in-work training takes place during the convicts' working day.

314. Different forms of vocational in-work training are organized in corrective labour institutions for the purpose of improving the professional skills of persons deprived of liberty, and also for teaching them a new trade. Convicts are encouraged to take vocational training and vocational in-work training, and to improve their professional skills, factors which are taken into account in determining the extent of their reform and re-education.

315. Discharged prisoners must be provided with work by the executive committee of the local keneshes, taking into account their trade as much as possible, and within 15 days of applying for assistance in finding work. When necessary, discharged prisoners are provided with dwelling space. At their request, invalids and the elderly are placed in homes for invalids and for old people. When necessary, minors who have no parents are placed in boarding school or under guardianship by a committee for minors.

316. Persons released on parole are placed under the observation of public organizations and their colleagues at work for the remainder of the time to which they were originally sentenced, and socially educational work is undertaken with them. The purpose of keeping the persons mentioned under observation and of doing socially educational work with them is to help consolidate their reform and their integration into the world of honest work.

317. Scrutiny commissions take part in the reform and re-education of convicts, and also in effecting public control over the activity of institutions and bodies implementing sentences of loss of liberty, and of corrective labour without loss of liberty, imposed by the courts. The Regulations on scrutiny commissions govern the organization of their work, their authority and procedures. Scrutiny commissions are formed by local government administrations, by the local governments of the cities of Bishkek and Osh, and by the Government of the Kyrgyz Republic.

318. A scrutiny commission consists of a chairman (the deputy chief of the local government administration or the chief of the local government of the cities of Bishkek and Osh or the Deputy Prime Minister of the Kyrgyz Republic), a deputy chairman, a secretary and at least six commission members. The number of members a commission has depends on the volume of its work. The commissions include deputies of the local keneshes, representatives of trade unions and other public organizations, and of workers collectives. Employees of internal affairs bodies (militia), of the procurator's office, of the courts, and lawyers may not be members of supervisory commissions.

319. The principle tasks of the scrutiny commissions are:

(a) To exercise permanent public supervision over the activities of corrective labour institutions and of bodies implementing sentences of corrective labour without loss of liberty; over these institutions' and bodies' observance of the regime and conditions for holding convicts; over the correct use of their labour, and the organization of their general education and vocational training ; over their social education, and the appropriate use of incentives and penalties in relation to convicts, and also over the provision of assistance to these institutions and bodies in performing the work in question;

(b) To supervise the organization and execution of social education work in enterprises, institutions and organizations employing persons on bail, on probation, persons serving a sentence not involving loss of liberty, persons with a suspended sentence of loss of liberty, and also persons who have served their sentence or been released on parole;

(c) To keep a register of multiple offenders after their release, and to effect public scrutiny of their behaviour in daily life and at work.

320. In order to carry out the tasks mentioned, a scrutiny commission is entitled to:

(a) Check, within the limits of its authority, on the activities of the management of corrective labour institutions and of bodies implementing sentences of corrective labour without loss of liberty;

(b) Demand documents and information necessary to the work of the commission from the institutions' management;

(c) See convicts, read their personal file, receive and consider their proposals, statements and appeals;

(d) Hear reports from the management of institutions and agencies on their work to reform and reeducate convicts; to hear accounts from the management of enterprises, institutions and organisations acting as patrons to corrective labour institutions; to suggest ways to improve their work;

(e) Check the quality of the social education work at enterprises, institutions and organizations with persons on bail, on probation, persons serving a sentence not involving loss of liberty, persons with a suspended sentence of loss of liberty, and also persons who have served their sentence or been released on parole;

(f) Initiate petitions for pardon, in accordance with established procedure;

(g) In cases stipulated by Kyrgyz Republic legislation, appear in court jointly with agencies in charge of implementing penalties, and make representations to release convicts on parole, or to commute the remainder of a penalty to a milder one;

(h) Authorize the management of corrective labour institutions to take such steps;

(i) Appear in court with representations to change the conditions under which persons sentenced to loss of liberty are held while serving their sentence;

(j) Authorise a prison administration to hold a convict on strict regime for a specified period;

(k) Allow female convicts to live outside the colony while they are exempt from working because of pregnancy, childbirth, or responsibility for a child under the age of two;

(l) Grant convicts the right to move about unescorted outside the bounds of a colony;

(m) Participate in court sessions when issues concerning convicts are being considered, in cases stipulated by legislation;

(n) Submit to the appropriate local authorities proposals on improving the work of corrective labour institutions and agencies implementing sentences of corrective labour without loss of liberty; on improving the social education of persons on bail, on probation, serving a sentence not involving loss of liberty, persons with a suspended sentence of loss of liberty, and also persons who have served their sentence or been released on parole; on work and domestic arrangements for discharged prisoners.

321. A scrutiny commission may establish subsections specializing in social education work; in sanitation and housekeeping; in registration of, and assistance to discharged prisoners in making work and domestic arrangements, etc. The subsections are composed of members of the scrutiny commission and of representatives of trade unions and of workers collectives.

322. Scrutiny commissions interact on issues within their authority with other commissions of the local government administration, or of the local government of the cities of Bishkek and Osh, and they stay in close touch with the law-enforcement agencies, public organizations and workers' collectives, and are supported in their work by the community.

323. The implementation of decisions made by scrutiny commissions within the limits of their authority is mandatory. This concerns improving the work of corrective labour institutions and agencies implementing corrective labour without loss of liberty and improving the social education of persons on bail, on probation, serving a sentence not involving loss of liberty, persons with a suspended sentence of loss of liberty, and also persons who have served their sentence or been released on parole. The mangagement of the institutions and agencies mentioned, and likewise of the enterprises, institutions and organizations, is obliged to report within a period of two weeks to the scrutiny commission concerning measures taken to implement its decisions.

324. Owing to insufficient financial resources being allocated for the maintenance of convicted juveniles, it is not possible to fully observe the international rules for treating convicts, established in the United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules").

325. Special measures for the social protection of minors are specified by the Criminal Code, the Code of Criminal Procedure, the Code on Administrative Infringements and the Regulations on Commissions on Minors of the Kyrgyz Republic. The newly adopted Criminal Code, which comes into force at the beginning of 1998, will for the first time devote a whole section to "The Criminal Responsibility of Minors". The introduction of this section into the new Criminal Code of the Kyrgyz Republic meets one of the principle requirements of the Convention on the Rights of the Child and of the International Covenant on Civil and Political Rights, that no child should be deprived of freedom unlawfully or arbitrarily. The extent of the criminal responsibility borne by a person under the age of 16 who commits a crime has been substantially qualified. The court must take the age of the defendant into account as a mitigating

circumstance. At the same time, if a crime is committed against a child or with the involvement of a child, the court may consider this an aggravating circumstance. Under the existing Criminal Code of the Kyrgyz Republic, a person who commits a crime after reaching the age of 16 can be held criminally responsible. Criminal responsibility for the most serious crimes begins at the age of 14.

326. A court, a procurator and, with the permission of a procurator also an investigator, have the right to acquit of criminal responsibility a person under the age of 18 who has committed an act containing elements of crime but not constituting much danger to society, and send the case to be examined by a commission for minors if, judging by the circumstances of the case and the character of the offender, it is possible to reform him without imposing a criminal pernalty. The court is entitled to impose on such a minor compulsory measures of social education, which are not criminal penalties.

327. Commissions for minors participate in the reform and re-education of minors serving sentences of corrective labour without loss of liberty, and also in effecting public supervision over the work of institutions and organs implementing such sentences. Commissions for minors may be set up to report to the executive committees of district, municipal (in towns that are not divided into districts) and, exceptionally, of rural and settlement keneshes. Commissions for minors may also be set up to report to the executive committees of oblast keneshes and to the Government of the Kyrgyz Republic. The Regulations on the commissions for minors govern the organization of these commissions' work, their authority and procedures.

328. Convicts may be left to complete their sentence in an educational labour colony beyond the age of 18, but not after reaching 20, for the purposes of consolidating their reform and re-education, and completing their general education or vocational training. The regime, working conditions, rations and provisions for welfare and daily life established for convicted minors apply to convicts left to complete their sentence in an educational labour colony. The decision to leave a convict in an educational labour colony beyond the age of 18 follows a substantiated ruling by the head of the colony, and shall be agreed with a commission for minors and authorized by a procurator.

329. The services of public educators are enlisted to work with persons who commit crimes under the age of 18, in order to achieve the maximum educational effect in each individual case.

Article 11

330. Non-fulfilment of contractual obligations entails civil liability under Chapter XX of the Civil Code of the Kyrgyz Republic, and does not count as a crime under the criminal law of the Kyrgyz Republic. Consequently, it does not entail loss of liberty. A dispute involving breach of contractual obligtions is decided under civil procedure. If a person is unable to fulfil a contractual obligation of any kind this does not make him subject to criminal proceedings or loss of liberty.

Article 12

331. In accordance with the Constitution of the Kyrgyz Republic every person has the right to freedom of movement and freedom to choose a place of residence,

and the right to travel abroad and return home (art. 16). Under article 17 of the Constitution restrictions on the exercise of rights and freedoms is allowed by the Constitution and laws of the Kyrgyz Republic only for the purposes of guaranteeing rights and freedoms of other persons, providing public safety and constitutional order. In such cases, the essence of the constitutional rights and freedoms shall not be affected.

332. Under the Regulations concerning the passport system in the Kyrgyz Republic, citizens are obliged to register by place of permanent residence or by temporary address. The internal affairs organs carry out registration by place of permanent residence. Registration of Kyrgyz citizens' temporary and permanent address is performed on the basis of documents confirming that ownership of a residential property or accommodation has transferred to them, or certifying that accommodation has been put at their disposal, including arrangements such as letting, subletting, or leasing contracts, or entitling them to move into accommodation on other grounds envisaged by Kyrgyz Republic legislation.

333. The following must register by place of residence:

(a) Citizens of the Kyrgyz Republic who live in the country permanently;

(b) Citizens of the Kyrgyz Republic permanently resident abroad, on a temporary visit to the Kyrgyz Republic exceeding three months;

(c) Citizens of the Kyrgyz Republic who have moved temporarily from one area in the Kyrgyz Republic to another for a period exceeding three months;

(d) Foreign citizens and stateless persons who live permanently in the Kyrgyz Republic;

(e) Servicemen not living in barracks.

334. Foreign citizens and stateless persons visiting the Kyrgyz Republic on business or privately are registered in accordance with the procedure established by the Law "On the conditions covering foreign citizens' sojourn in the Kyrgyz Republic".

335. Registration by place of residence is on presentation of the following proofs of identity:

(a) Citizens of the Kyrgyz Republic over 16 years of age who live in the country permanently: by presentation of their passport;

(b) Children under the age of 16 who live separately from their parents (or guardians): by presentation of birth certificate;

(c) Children under the age of 16 living with their parents (or guardians): are entered in the relevant registration documents of one of their parents (tutors or guardians);

(d) Citizens of the Kyrgyz Republic permanently resident abroad, visiting the Kyrgyz Republic for a period exceeding three months: by presentation of passport or substitute document;

(e) Foreign citizens and stateless persons permanently resident in the Republic: by presentation of resident permit;

(f) Servicemen of the Joint Armed Forces of the Community of Independent States - by presentation of a certificate obtained from their military units and institutions.

Persons who are required to register must present the neccessary documents to the appropriate organs bodies within seven days. The documents must be submitted to the organs which perform the registration within five days.

336. Government duty is payable when obtaining residential registration, in an amount established by Kyrgyz Republic legislation. The Ministry of Internal Affairs of the Kyrgyz Republic produces forms which must be used for residential registration. These can be purchased at a price set by the Government of the Kyrgyz Republic.

337. In the interests of State security, the protection of public order, and to ensure the health of the population, the Government of the Kyrgyz Republic may impose restrictions on where people are allowed to live in some areas of the Kyrgyz Republic. No other restrictions are permitted. In order to register as residing permanently or temporarily in populated areas under special regime (closed administrative and territorial formations) , citizens of the Kyrgyz Republic shall present a permit obtained in accordance with established procedure.

338. Citizens are registered for permanent residence in areas where the Government has imposed residential restrictions, irrespective of these restrictions, as follows:

(a) A spouse, in the accommodation of his or her spouse;

(b) Minor children and wards, in the accommodation of their parents and guardians;

(c) Adult children without a family, or unmarried children who have minor children of their own, in the accommodation of their parents;

(d) Parents, in the accommodation of their children;

(e) Minor brothers or sisters without parents, and disabled brothers or sisters irrespective of age, if they have no family, in the accommodation of a brother or sister;

(f) Servicemen discharged from the Armed Forces at the end of a period of military service, in cases where they were called up for military service from the populated area concerned, in the accommodation they occupied before conscription, or in the accommodation of parents or other relatives;

(g) Extended-service men discharged fully or into the reserves, corporals, warrant officers, officers of the Armed Forces and members of their families who are without accommodation, - in the accommodation of their close relatives, or of a spouse's relatives;

(h) Persons released from a place of deprivation of liberty or from exile; persons freed from restrictions relating to probation (from a sentence of loss of liberty) with compulsory labour; or to parole from a place of deprivation of liberty for construction work- registered in accommodation occupied by members of their family, or by relatives with whom they lived before their conviction;

(i) Citizens returning after a period of absence, if under current legislation they have retained the right to use residential premises.

339. The restrictions mentioned are also lifted for the following categories of people making a temporary sojourn:

(a) Students attending institutes for education officially categorized as institutes of higher or secondary specialized education; also graduate students, graduate students at military academies, interns, students attending training and retraining courses for increasing professional skill - restrictions are lifted for the duration of their studies;

(b) Families of graduate students, of graduate students at military academies, of interns and of personnel attending courses at military academies and teaching institutes of the Ministry of National Security and the Ministry of Internal Affairs of the Kyrgyz Republic officially categorized as institutes of higher education, - restrictions are lifted for the duration of the studies concerned;

(c) Extended-service personnel discharged permanently or into the reserves, corporals, warrant-officers and officers of the Armed Forces and of organs of the Minsistry of National Security (and their families). They are allowed to sojourn in the populated areas where they lived before conscription into or enrollment in the army, until accommodation is provided in there under established procedure, on condition that they returned to these populated areas within three months of being discharged permanently or into the reserves;

(d) Refugees recognized as such under established procedure.

340. The following are removed from the register of the internal affairs organs:

- persons who have moved to another place of residence;
- persons conscripted to a period of military service in the standing Forces;
- persons deprived of liberty on the basis of a sentence in force of res judicata;
- persons found to have been deprived of the right to use accommodation by a court order;
- deceased persons.

341. Residential registration may be cancelled by the internal affairs organ which performed it, by a superior internal affairs organ, or by a court, if at the time of registration there was a breach of the Regulations or other statutory instrument of the Kyrgyz Republic, or of treaties between States. An interested legal entity or individual person may demand cancellation of a residential registration within the period established by the law of the Kyrgyz Republic.

342. Citizens of the Kyrgyz Republic surrender their passports to the internal affairs organs in case of conscription to a period of military service or renunciation or loss of citizenship of the Kyrgyz Republic. The passport of a citizen of the Kyrgyz Republic may be withdrawn by inquiry and preliminary investigation agencies or by a court in cases established by legislation. The passports of persons taken into custody or sentenced to loss of liberty with mandatory labour are withdrawn, and kept in the institutions implementing the sentence. The passports are returned when their owners are released from custody or complete their sentence.

343. A law is currently being drafted about entering and leaving the country. Statistics show 10,813 citizens of Kyrgyzstan making business trips outside Kyrgyzstan in 1996, and 4,157 citizens in 1997.

344. A foreign citizen shall enter the Kyrgyz Republic on a valid foreign passport. A stateless person shall enter on a valid document issued by the competent authority in the country where he is permanently resident, which certifies his identity and contains an entry visa or an entry and exit visa, unless a different entry and exit procedure is laid down in other legislative instruments or agreements with the country in question.

345. A foreign citizen may be refused entry

(a) In the interests of State security or of protecting public order;

(b) If necessary for the protection of the rights and lawful interests of citizens of the Kyrgyz Republic and others;

(c) If it is established that during his previous stay he was in breach of the legal status or procedures relating to foreign visitors, of customs, currency or other legislation of the Kyrgyz Republic;

(d) If he gives false information about himself or fails to submit the necessary documents when applying for entry;

(e) On other grounds established by the legislation of the Kyrgyz Republic.

346. Visas to enter the Kyrgyz Republic (entry visas) and visas to leave the Kyrgyz Republic (entry and exit visas) are issued to foreign citizens abroad by the diplomatic mission or consular authority of the Kyrgyz Republic, and on the territory of the Kyrgyz Republic by agencies of the Ministry of Foreign Affairs. Visas are issued to foreign citizens for multiple entry to the Kyrgyz Republic on the request of the host organization. The procedure for issuing multiple visas is determined by the Ministry of Foreign Affairs, the Ministry of National Security and the Ministry of Internal Affairs of the Kyrgyz Republic.

347. Visas to enter the Kyrgyz Republic are issued, and their validity extended, as follows:

(a) Foreign citizens coming to the Kyrgyz Republic under the auspices of a host organization or of a permanent foreign mission - on the basis of a request in writing from the organisation or mission;

(b) Foreign citizens coming on private business or to live permanently in the Kyrgyz Republic, and foreign citizens permanently resident in the Kyrgyz Republic travelling abroad on private business, or leaving to reside permanently abroad - on the basis of a permit from the internal affairs agencies, issued against such a citizen's application.

Foreign citizens travelling across the territory of the Kyrgyz Republic proceed, observing the rules on transit travel, by the route laid down to the frontier point where they are to leave the Republic. They may stop on route if they have a permit issued by the competent authorities. The rules on transit across the territory of the Kyrgyz Republic are laid down by the Government of the Kyrgyz Republic.

348. During foreign citizens' stay in the Kyrgyz Republic their passports are registered in accordance with the procedure laid down in the present Law. Foreign passports are to be presented for registration within three days, excluding holidays and rest days, of arrival at destination. The following are exempted from registering their passport:

(a) Foreign heads of State and of Government, members of parliamentary and government delegations coming to the Kyrgyz Republic on the invitation of the President, the Zhogorku Kenesh and the Government of the Kyrgyz Republic, support staff with these delegations, and family members of the above;

(b) Persons visiting the Kyrgyz Republic on passports issued by the United Nations Organization;

(c) Foreign citizens visiting the Kyrgyz Republic for holidays and rest days or for a period of upto three ordinary days, and leaving the Kyrgyz Republic within that time;

(d) Foreign tourists on a cruise;

(e) Crew of foreign military aircraft visiting the Kyrgyz Republic in accordance with established procedure. The senior officer at the garrison gives permission to foreign military aircraft crew members to move about the territory of the Kyrgyz Republic in accordance with the plans for receiving visiting military aircraft;

(f) Persons forming part of the crew of civil aircraft belonging to international airlines when at airports featuring on current timetables.

Foreign citizens' passports are registered at the place these citizens originally arrive in the Kyrgyz Republic.

349. Permission to reside permanently in the Kyrgyz Republic is given in the form of a residence permit issued by the organs responsible for internal affairs. An application by a foreign citizen temporarily visiting the Kyrgyz Republic for permission to reside permanently is made directly to the internal affairs organs in the area he is living, and an application by a person residing abroad is made to the diplomatic mission or consular authority of the Kyrgyz Republic. A residence permit is issued to foreign citizens of 16 and over by the internal affairs organs in the area they are living for the validity of their passport, but for a maximum of five years, and to persons of 45 and over for the entire validity of their passport. Stateless persons are given a residence

permit for a period of five years, and those aged 45 and over - for an unlimited period. For an extension to an existing residence permit, or for a new one to be issued, foreign citizens must apply to the internal affairs organs in the area they are living not later than 10 days before their existing permit expires, and in case of loss - immediately.

350. If a foreign citizen fails to present a new or extended document within one year of the expiry of his passport, the internal affairs organs issue him the type of residence permit designed for stateless persons. A person holding citizenship of a State with which the Kyrgyz Republic has an international treaty or other appropriate agreement preventing dual citizenship may be issued with the stateless person's residence permit upon presention of a document certifying that the competent bodies of that State permit him to renounce his citizenship. The stateless person's residence permit is exchanged for a foreign citizen's residence permit if the holder presents a valid passport to the internal affairs organs.

351. Foreign citizens may move about the territory of the Republic and choose where to live in accordance with the procedure established in the legislation of the Kyrgyz Republic. Restrictions on movement and choice of place of residence are permitted when necessary to ensure state security, to protect public order, the health and morals of the population and to protect the rights and lawful interests of the citizens of the Kyrgyz Republic and others. Foreign citizens may move about freely in those areas of the Kyrgyz Republic open to visits by foreigners. Entry to and movement in areas closed to visits by foreigners is possible only with the permission of the internal affairs organs. Permission is given to persons visiting under the auspices of a host organisation on the basis of a written application by the organisation; it is given to persons visiting under the auspices of a representative office or on private business, or permanently residing in the Kyrgyz Republic on the basis of their own written application. Foreign citizens may be permitted multiple entry and travel on the request of a host organisation. Visitng foreign citizens who change their address in the Kyrgyz Republic in breach of the law are obliged to return to their former address upon a demand by the internal affairs organs. In some cases such a visa may be issued by the internal affairs organs.

352. A foreign citizen is not allowed to leave the Kyrgyz Republic

(a) If there are grounds for instituting criminal proceedings against him, - until the proceedings are completed;

(b) If he has been convicted of a crime, - until he has served his sentence or been released from punishment;

(c) If his departure is at variance with the interests of state security, - until the circumstances which are an obstacle to his departure cease to obtain;

(d) If there are other obstacles to his departure, on grounds established in the legislation of the Kyrgyz Republic.
The departure of a foreign citizen from the Kyrgyz Republic may be delayed until he settles his property debts to the State and to citizens of the Kyrgyz Republic, to other physical or legal entities.

353. Any person disagreeing with an official's decision may appeal against it in court by bringing an action.

Article 13

354. Under article 24 of the Law "On the order of foreign citizens' stay in the Kyrgyz Republic" a foreign citizen may be expelled beyond the bounds of the Kyrgyz Republic:

(a) If his actions are incompatible with the interests of state security or public order;

(b) If this is necessary in order to safeguard the health and morals of the population, protect the rights and lawful interests of citizens of the Kyrgyz Republic and others;

(c) If he has repeatedly and grossly breached the law on the legal status of foreign citizens and the order of their stay in the Kyrgyz Republic, or other legislation.

355. The ruling on expulsion is made by the Ministry of Foreign Affairs, the Ministry of Internal Affairs and their organs. Foreign citizens must leave the Kyrgyz Republic within the period indicated by the ruling. Those who avoid leaving in such cases are liable, subject to the approval of a procurator, to be detained and forcibly expelled. Moreover detention is allowed for the period necessary to achieve expulsion. The foreign citizen who has been expelled bears the costs of expulsion himself.

356. Internal affairs organs, in cooperation with State security organs, are responsible for exercising supervision over observance of the law by foreign citizens, stateless persons, and by officials and other citizens.

357. Foreign citizens become liable in accordance with legislation of the Kyrgyz Republic if they breach the conditions of their stay, that is by: taking up residence without having a document giving right of residence, or having an invalid document; non-compliance with the established procedures for registration, travel and choice of place of residence; exceeding their permitted length of stay; non-compliance with the rules of transit and travel.

358. The liability of foreign citizens enjoying privileges and immunities extended by legislation and international legal instruments is an issue resolved by diplomatic means. Breach of the law by persons obliged to comply with its requirements (including by those who invite foreign citizens to the Kyrgyz Republic on private business, or provide them with services) produces liability in accordance with the legislation of the Kyrgyz Republic.

359. A foreign citizen in breach of the legal status of foreign citizens and the conditions of their stay may have the length of his stay in the Kyrgyz Republic curtailed. The period of a foreign citizen's stay may also be curtailed in cases when the grounds for his further stay have ceased to exist. The ruling to curtail a period of stay is made by the internal affairs organs, and it is possible to appeal against the ruling to a court.

Article 14

360. Under article 7 of the Constitution of the Kyrgyz Republic one of principles on which State Power is based is that of the division of power into legislative, executive and judicial branches, which function in concert and cooperation with each other. The power of the judiciary extends over the entire sphere covered by the legislative and executive powers, and over the economic and everyday life of the country.

361. Under article 79 of the Constitution the Kyrgyz Republic has the following courts: the Constitutional Court, the Supreme Court, the Supreme Economic Court of the Kyrgyz Republic, and local courts (regional courts, courts of the city of Bishkek, district and municipal courts, regional economic courts, military tribunals). The Constitutional Court is the guarantor of legality and equity. In unity with all the judicial bodies it constitutes the third power, independent of the legislative and executive powers, to which it is not accountable.

362. Judges of the Supreme Court are elected for a term of ten years by the Assembly of People's Representatives of the Zhogorku Kenesh upon presentation by the President. Judges of local courts are appointed by the President for a first term of three years, and subsequent terms of seven years. The President presents to the Legislative Assembly and the Assembly of People's Representatives the candidatures for the office of Chairman of the Constitutional Court of the Kyrgyz Republic, and he presents to the Assembly of People's Representatives the candidatures for the offices of Chairman of the Supreme Court, the Supreme Economic Court, Deputy Chairmen and judges of the Supreme Court and the Supreme Economic Court of the Kyrgyz Republic.

363. A military tribunal only examines criminal cases involving servicemen. The other courts mentioned above examine civil and criminal cases.

364. Judges may be removed from office for reasons of health, at their personal request, for committing a crime on the basis of a binding court judgement, and on other grounds stipulated by law. A judge of a local court may also be removed from office according to the results of examinations. Judges of the Supreme Court may be removed from office, on the presentation of the President of the Kyrgyz Republic (cf. Constitution - no mention of President) by a majority of not less than two thirds of the votes of the total number of deputies to the Assembly of People's Representatives.

365. Justice is dispensed by the courts. Judge are subordinate to the Constitution and the law alone, and are entitled to immunity.

366. The concern of the State, its legislative and executive bodies to strengthen leglity is manifested by:

(a) Improving existing legislation and extending the scope of legal regulation to the level appropriate to a State under the rule of law;

(b) Improving both the State and legal guarantees of legality;

(c) Taking steps to improve the functioning of the courts, the office of the procurator, the organs responsible for internal affairs and other law enforcement agencies;

(d) Mobilizing the general public to combat crime and other offences, and to overcome other negative phenomena.

The total effect of these measures, by ensuring the supremacy of the law, should be to foster the formation of a State under the rule of law. No State body, no group or public organization, not a single official or citizen, whatever his position in society, is above the law.

367. All persons in the Kyrgyz Republic are equal before the court (art. 15 of the Constituton). The Kyrgyz Republic guarantees judicial defence of all the rights and freedoms of citizens established by the Constitution and the laws (art. 38 of the Constitution of the Kyrgyz Republic). A citizen has the right to defence of his dignity and rights in trial in case of any public or other accusation; under no circumstances is he to be denied such court defence. Every participant of a trial has the right to be heard (art. 88 of the Constitution of the Kyrgyz Republic). In dispensing justice in a criminal case, judges are independent and subordinate to the law alone (art. 17 CCP). The Code of Criminal Procedure makes it possible to disqualify a judge from hearing a criminal case for the purpose of achieving an impartial trial (arts. 42-46).

368. Under the Code of Criminal Procedure of the Kyrgyz Republic trials are held publicly in all courts, with the exception of cases involving State secrets. In addition, a closed trial is permitted where the court issues a substantiated ruling in relation to cases involving crimes committed by persons under the age of 16, in cases of sexual crime and others where it is desirable to avoid publicizing information about the private lives of the people involved, and also in cases where it is necessary for the security of the victim, witnesses or other persons involved, members of their family or close relatives (art. 19 CCP). The sentence of the court is announced publicly in all cases (art. 19 CCP).

369. Every person is ensured the presumption of innocence (art. 39 of the Constitution, art. 3 of the Criminal Code of the Kyrgyz Republic).

370. In accordance with article 28 of the Code of Criminal Procedure of the Kyrgyz Republic the accused shall have the right to know the charges against him. Under article 136 of the Code of Criminal Procedure of the Kyrgyz Republic charges must be laid against the accused within 48 hours of the moment the resolution to lay charges is issued and in any case not later than on the day the accused appears or is brought before the court. However, this period is revived if the accused hides from the investigation. The investigator declares to him a resolution to bring charges and explains the nature of the charges.

371. Under article 28 CCP the accused is entitled to the services of counsel for the defence, whose involvement is permitted under article 29 from the moment charges are brought. From the moment his involvement is permitted counsel for the defence is entitled, after the initial interrogation of the accused, to meet the accused in private, with no restriction on the number or duration of visits (art. 32 CCP).

372. The Code of Criminal Procedure lays down the duration of the inquiry (art. 108), or the preliminary investigation (art. 124), of the court's examination of the case from the moment proceedings begin (arts. 221 and 235) and governs the procedure for extending these durations. Legislation thus

creates a situation in which any acused person is tried without unjustified delay.

373. Under article 28 of the Code of Criminal Procedure the accused has the right to participate in the hearing of a case in a court of original jurisdiction. The hearing of a case in a court of original jurisdiction takes place with the participation of the accused, whose presence is compulsory (art. 241 CCP). If the defendant does not appear the case must be postponed (art. 242 CCP). Under article 31 of the CCP the accused or defendant appoints counsel for the defence. In accordance with article 32 of the CCP the accused or defendant is entitled to dismiss counsel for the defence. Such a dismissal may occur only on the initiative of the accused or defendant himself. If counsel for the defence is dismissed, the accused or defendant conducts his own defence. However, in certain kinds of case the involvement of counsel for the defence is mandatory under article 30 of the CCP, and counsel for the defence is appointed by the investigator or the court through the bar association, in accordance with article 31 CCP.

374. Under article 88 of the Constitution of the Kyrgyz Republic citizens without financial means shall be given legal assistance and defence at the expense of the Government. In accordance with article 29 CCP if an accused or defendant is fully or partly exempted from paying for legal assistance, the payment is made at the expense of the bar association or at the expense of the Government.

375. Under article 281 CCP the defendant may question witnesses. The defendant is entitled to apply to the judge to summon additional witnesses to a hearing (art. 2201 [sic] CCP).

376. Under the Constitution the official language of the Kyrgyz Republic is the Kyrgyz language. However, infringements of citizens' rights and freedoms on the ground of absence of knowledge and command of the official language is not allowed (art. 5 of the Constitution of the Kyrgyz Republic). Under the CCP of the Kyrgyz Republic judicial proceedings are to be conducted in the Kyrgyz language or in the language spoken by a majority of the population in a given area. Persons involved in a case who do not have a command of the language in which the proceedings are being conducted are entitled to use the services of an interpreter. Documents relating to the investigation and trial are supplied to the accused in tanslation into his native language or into another language of which he has a command (art. 18 CCP). In accordance with article 94 CCP payments to the interpreter are legal costs borne by the State.

377. Under article 21 CCP it is forbidden to solicit evidence from the accused or the defendant by using violence, threats or other unlawful means. The Criminal Code of the Kyrgyz Republic lays down statutory penalties in case the person conducting an investigation forces the person questioned to give evidence during interrogation by means of threats, blackmail or other unlawful actions, or by using violence or humiliation (art. 325).

378. In cases involving minors the court is entitled to involve in the trial representatives of the enterprises, institutions and organizations where the minor studied or worked, commissions and supervisory agencies for minors, and other organizations if necessary (arts. 246, 250 CCP).

379. Under article 83 of the Criminal Code of the Kyrgyz Republic an under-age first offender who commits a crime that is not serious, or a relatively less serious crime, may be absolved of criminal liability if it is considered that he can be reformed by imposing compulsory measures with an educational purpose. Under article 86 of the Criminal Code, an under-age first offender who commits a crime that is not serious may be absolved of criminal liability, and the file transferred for consideration by a commission for minors if, given the nature of the deed, the personality of the guilty individual and other circumstances in the case, it is possible to reform him without imposing a penalty. Moreover, the court may, given the existence of grounds stipulated in part 1 of article 86 of the Criminal Code, reprieve an under-age first offender who commits a crime that is not grave from punishment and the imposition of compulsory measures (art. 86 of the Criminal Code).

380. If after trying a case the court concludes that a person under the age of 18 who committed a crime posing no great threat to society, can be reformed without imposing a criminal penalty, it issues a guilty verdict without prescribing a criminal penalty, and imposes on him one of the compulsory educational measures (arts. 10, 57 of the Criminal Code, art. 302 CCP).

381. Every person convicted of a crime is entitled to have his sentence reviewed under appeal procedures (art. 327 CCP).

382. When anyone is acquitted and the acquittal comes into force, that person's rights are fully restored and he is compensated for all expenses arising from the preliminary investigation and trial.

383. In accordance with article 6 CCP, criminal proceedings may not be instituted, and proceedings instituted must be terminated, against a person in relation to whom a sentence is already in force on the same charge, or in relation to whom there is a standing court order or ruling to terminate proceedings on the same grounds. This applies likewise to a person in relation to whom there is a standing ruling, made by an agency of inquiry, an investigator or procurator, to terminate proceedings on the same charge.

384. A judge is subordinate to the Constitution and the law alone. A judge enjoys inviolability and immunity, and he is provided with social, material and other guarantees of his independence appropriate to his status. In practice, as a result of poor material provision judges sometimes become dependent on State agencies or on private individuals. For example, in the provinces court premises and judges' dwellings are allocated by the bodies holding executive power. The salaries of local court judges is on average 45-50 US dollars, and of Supreme Court judges 60-70 US dollars.

Article 15

385. In accordance with article 7 of the Criminal Code of the Kyrgyz Republic the crime and the penalty are defined by the law in force at the time a deed was committed. Laws establishing the punishability of a deed, augmenting the penalty or otherwise aggravating the position of the individual do not have retroactive force, that is cannot apply to deeds committed before they were issued.

386. A law terminating the punishability of a deed or reducing a penalty does have retroactive force, that is applies to persons who committed such a deed

before the law came into force, including those currently serving a sentence or who, having served a sentence, have a criminal record.

Article 16

387. In accordance with article 52 of the Civil Code of the Kyrgyz Republic, all citizens are considered equal in their capacity to possess civil rights and duties. Under article 56 of the Civil Code of the Kyrgyz Republic all citizens have an equal transactional capacity. Every person is endowed with a capacity for to possess civil rights and duties from birth. The totality of his rights and duties enable him, wherever he is, to act as a person invested with right in all cases when his rights and lawful interests are infringed.

388. The period of limitation of actions commences from the moment a person becomes aware of the infringement of his rights, or from the moment he should have become aware of it.

Article 17

389. The Constitution of the Kyrgyz Republic guarantees to every person defence from arbitrary and unlawful interference with one's private and family life, breach of secrecy of correspondence, infringment of one's honour and dignity, also inviolability of one's dwelling (art. 39). It is the duty of the State and all its bodies and officials to protect citizens' rights and liberties (art. 38).

390. Civil legislation governs relations connected with the implementation and protection of inalienable human rights and liberties and other intangible benefits (arts. 1, 17, 18, 20, 21 of the Civil Code of Kygyz Republic).The courts protect civil rights that are breached or disputed (art. 10 of the Civil Code).

391. The Criminal Code of the Kyrgyz Republic contains a chapter devoted to "Crimes against citizens' and human constitutional rights and liberties", which stipulates penalties:

- for offending against citizens' legal equality (art. 134);
- for breaching the inviolability of a person's privacy (art. 135);
- for breaching the secrecy of correspondence and telephone conversations, postal, telegraphic or other communications (art. 136);
- for breaching the inviolability of dwellings (art. 137);
- for refusing to provide a citizen information concerning his civil rights and freedoms (art. 138);
- for obstructing the exercise of suffrage (art. 139);
- for bribery of voters (art. 140);
- for falsifying electoral documents, referendum documents or for counting votes incorrectly (art. 141).

- for breaching protection of labour regulations (art. 142);

- for breaches of labour legislation (art. 143);

- for the unjustified refusal to employ or unjustified dismissal of a pregnant woman; likewise of a woman with children under the age of three (art. 144);

- for divulging confidential medical information (art. 145);

- for obstructing the exercise of freedom of conscience and religion (art. 146);

- for invading a citizen's personality and rights in the guise of performing a religious rite (art. 147);

- for obstructing an assembly, meeting, demonstration, procession or picket, or participation therein (art. 148);

- for non-compliance with the law on compulsory universal education (art. 149);

- for breaching copyright, closely-related rights, and patentee's rights (art. 150);

- for obstructing journalists in the lawful exercise of their profession (art. 151);

- for using financial resources allocated for wages, pensions, allowances and other public expenditure (art. 152).

392. The Civil Code of the Kyrgyz Republic stipulates that life and health, individual diginty, personal immunity, honour, personal and professional reputation, inviolability of private life, confidentiality of personal and family matters, freedom of movement, of choice of dwelling location and premises, other intangible benefits are protected by the law. It also lays down that personal non-property rights are exercised and protected in accordance with the law.

393. The new Criminal Code of the Kyrgyz Republic broadens criminal responsibility for breaching the inviolability of private life:

(a) For unlawfuly collecting information about a person's private life, of a confidential nature concerning himself or his family without consent, for the purpose of disseminating it; or for disseminating such information by means of a public statement, a publicly exhibited work or in the mass media, and thereby damaging the victim's rights and lawful interests - there is a penalty in the form of a fine of upto 50 times the minimum monthly wage;

(b) Breaching the secrecy of correspndence, of telephone conversations, postal, telegraphic or other communications between citizens is punished by a fine of between 50 and 100 times the minimum wage;

(c) The same deed committed by a person abusing his office, or using special equipment designed to obtain information secretly, is punished by a fine of between 100 and 300 times the minimum monthly wage, or by banning the offender from holding certain offices or from working in certain capacities for a period of up to five years, or by detention for a period of up to 3 months. Moreover, the Criminal Code makes it a punishable offence to organize an association which encroaches on the person or rights of citizens (art. 259).

394. Under article 13 of the CCP of the Kyrgyz Republic the inviolability of citizens'dwellings is guaranteed. No one is entitled to enter a dwelling against the will of the persons residing therein without just cause. It is permitted to search, seize, inspect citizens' premises, to stop and seize correspondence at the post and telegraph office, to listen to telephone and other conversations, and to make sound recordings only on the grounds and in accordance with the procedure laid down in the CCP of the Kyrgyz Republic.

395. In accordance with the KR Law "On the State security agencies", in the course of preventing crimes whose investigation the law entrusts to the State security agencies, and in the pursuit of persons suspected of committing such crimes, where delay may endanger the life or health of citizens, agency employees are entitled to unimpeded access to citizens' dwellings and other premises, and to the territory and premises of enterprises, institutions and organizations. The State security agencies inform the procurator of such cases and receive his subsequent approval within 24 hours.

Article 18

396. In accordance with article 16 of the Constitution of the Kyrgyz Republic every person has the right to freedom of thought, conscience and religion. Under the Kyrgyz Republic's Law "On freedom of religion and of religious organizations" the freedom of religion guaranteed by the Constitution of the Kyrgyz Republic includes the right of every citizen freely and independently to define his attitude towards religion, to profess any religion alone or jointly with others or to profess none, to change his religious beliefs, and equally to express and disseminate beliefs arising from his attitude towards religion (art. 3).

397. A citizen determines his own attitude towards religion, the profession or rejection of religion, participation in public worship, religious rituals and ceremonies and the teaching of religion, and no element of compulsion in relation to his choices is admissible (art. 3 of the Kyrgyz Republic's Law "On freedom of religion and of religious organisations").

398. The Criminal Code of the Kyrgyz Republic stipulates penalties

- for obstructing the exercise of the right to freedom of conscience and religion (art. 146);
- for invading a citizen's personality and rights in the guise of performing a religious rite (art. 147).

399. In accordance with the Kyrgyz Republic's Law "On freedom of religion and of religious organisations", the only restrictions on the freedom to hold religious beliefs and to act in accordance with them are those necessary in order to safeguard public safety and order, and the lives, health and morals, as well as the rights and freedoms of other citizens.

400. Freedom of religion as guaranteed by the Constitution of the Kyrgyz Republic includes the right of every citizen freely and independently to define his attitude towards religion, to profess any religion alone or jointly with others or to profess none, to change his religious beliefs, and equally to express and disseminate beliefs arising from his attitude towards religion. Parents or persons substituting for them, given mutual consent, are entitled to educate their children in accordance with their own attitude towards religion.

401. Religious organizations registered on the territory of the Kyrgyz Republic have the right to ask the courts to protect their rights in case of infringement.

402. The Criminal Code does not envisage liability for religious belief.

403. In the Kyrgyz Republic freedom of conscience, spirit and worship is enshrined in the Constitution. These concepts became genuinely meaningful only after the acquisition of independence and under democratic conditions. After 70-odd years of living under militant atheism, during which a higher value was placed on Communist ideology than on conscience, when thought and activity were subjected to total control, the people of Kyrgyzstan have had the opportunity to return to the sources of faith. In 1990 there were some 36 functioning Muslim mosques and 25 Russian Orthodox churches and parishes, whereas now there are over 1,500 functioning mosques, 39 Russian Orthodox churches and parishes, and another 150 Protestant Christian meeting-houses. The last five years alone have seen the establishment of dozens of religious teaching institutions, including the Islamic Institute, the Theology Faculty at Osh State University, the Islamic medresses for secondary education in the towns of Karakol, Osh, Kara-Balta, Talas, Tokmak, Khaidarkan. Hundreds of young men and women are studying at religious centres in Turkey, Egypt, Saudi Arabia and in other Muslim countries. Christian, Buddhist and Jewish religious organizations and associations have their own religious teaching insitutions and centres, such as the "Silk Route" Bible College under the auspices of the United Christian Evangelical Churches, the "Emmanuel" teaching centre in Bishkek under the auspices of the Presbyterian Church, the Buddhist teaching centre under the auspices of the Buddhist temple in Bishkek, the private Jewish school in Bishkek.

404. Taking into account the importance of religions and of religious organizations to the development of society, the State has pursued a carefully considered policy towards them over the last five years. State intervention in religious matters has been limited to registering religious organizations as legal entities with the justice system. Article 8 of the Constitution of the Kyrgyz Republic states that "religion and all sects shall be separate from the State". In keeping with this constitutional principle, the State does not interfere in issues surrounding citizens' choice of attitude towards religion, nor in the activities of religious organizations if they are not contrary to the law and do not invest religious organizations with government or local-government functions. The freedom of parents and legal guardians to educate their children in accordance with their religious and moral beliefs is fully respected in the Kyrgyz Republic.

405. Following the Constitution of the Kyrgyz Republic, the State ensures freedom of conscience, spirit and worhsip to every citizen, guarantees to citizens complete equality of rights and responsibilities irrespective of attitude towards religion, ensures the equality of religious organizations before the law, safeguards the lawful activities of religious organizations and

the rights of believers to satisfy their religious needs and requirements. In addition, government bodies give religious organizations the necessary assistance in solving organizational, legal, social, managerial and other issues on the latter's request.

406. Under article 8 of the Constitution of the Kyrgyz Republic it is not permitted to organize political parties on religious grounds. Members of religious organizations are not permitted to interfere with the activity of State bodies. Religious organizations are not to pursue political aims and tasks. Nevertheless, these provisions are not intended to restrict the rights of believers, including the clergy, to participate on an equal basis with other citizens in the management of the country's affairs, the election of organs of State power and of self-government, and in the work of public associations.

407. In accordance with these constitutional provisions, religious organizations:

- must not constitute a threat to State and public security, the health or morals of the population;
- must not participate in the solution of political issues;
- must be based on the supremacy of the law and pluralism.

These regulations may be considered to give a general idea of the relations between the State and the religious organizations.

408. Recently concern has been expressed by representatives of the public and of the major religious confessions in the Republic - Islam and Orthodox Christianity - about the growing activity of missions and missionaries and the activities of various sects, which use religion as a cover and constitute a threat to the health and morals of the population. They use financial and other kinds of aid to penetrate into every sphere of our life, and to increase the number of their followers (this applies to new religious trends, such as the Church of the Moon Association). Many accuse the Government of indifference to such problems.

409. Proceeding from the situation as it stands, and with the object of implementing State policy on religion and securing citizens' freedom of conscience and religion, a State Commission on Religious Affairs was set up at the beginning of 1996, reporting to the Government of the Kyrgyz Republic. It is a special organ of the executive power, charged with developing proposals on the formation of State policy in the sphere of religion, and providing a link between State bodies and religious organizations.

410. At the beginning of 1997 an Interdepartmental Council on Religious Affairs was created by order of the Government of the Kyrgyz Republic. It includes representatives of all the ministries and departments concerned, of the Zhogorku Kenesh, and also of the major religious confessions. The fundamental purpose in creating such a council is to promote the realization of citizens' constitutional right to freedom of religion, and of harmony between the interests of the State and of the religious organizations. Given that a multiconfessional society has de facto come into being, the State has an interest in encouraging religious pluralism and tolerance between the religions.

411. The Government's policy of ensuring freedom in the religious sphere is carried out in the framework of the Freedom of Religion and Religious Organizations Act of 16 December 1991. Moreover, on 14 November 1996 the President of the Kyrgyz Republic signed a Decree "On measures implementing the right of citizens of the Kyrgyz Republic to freedom of conscience and religion". This Decree introduced the registration of religious organizations, of missions of foreign religious organizations and of religious teaching institutions, which gives a legal basis and guarantees to their religious activities in the Republic.

412. Based on the above, a lively dialogue is being set up, and rules are being worked out for collaborating actively and equally with all the religious confessions on all the issues that concern them. The need in future will be only to strive to develop and improve an existing base of laws and statutes regulating religious relations, optimizing and liberalizing it further. Work is currently under way in the Legislative Assembly of the Zhogorku Kenesh on a new version of the Law "On Freedom of Religions and Religious Organisations", in which the basic principles and guarantees of freedom of conscience will be further developed. In this way all the religious faiths are given freedom of action in Kyrgyzstan and no one of them is proclaimed to be the dominant or official religion.

413. Alternative (non-military) service is governed by the Kyrgyz Republic's Law "On alternative (non-military) service". At the same time, under article 1 of the above-mentioned Law, a citizen of military age is entitled to enlist for alternative service if he is a member of a registered religious organization whose dogma forbids the use of arms and service in the Armed Forces. In 1996, 35 persons were called up for alternative (non-military) service for religious reasons; in spring 1997, the figure was 43.

Article 19

414. Under article 16 of the Constitution of the Kyrgyz Republic every person has the right to freely express and disseminate his thoughts, ideas and opinions. Kyrgyzstan has laws "On the mass media", "On guarantees of access and freedom of access to information" and "On protection of the professional activity of journalists". Under article 151 of the Criminal Code of the Kyrgyz Republic, it is a criminal offence to obstruct the lawful professional activity of journalists by obliging them to disseminate or to refuse to disseminate information.

415. Under article 5 of the Kyrgyz Republic's Law "On the mass media" dated 2 June 1992, the right to set up a medium of mass information is vested in State bodies, public associations, workers' collectives and citizens of the Kyrgyz Republic. A medium of mass information may be created by one or by several founders. It is not permitted for a State body to set up a medium of mass information jointly with a public association, workers' collective or private citizen. Under article 8 of the Kyrgyz Republic's Law "On the mass media", the work of a medium of mass information may be halted or teminated by the founder or, where there has been a breach of the law, by a court ruling. It is possible to appeal against a ruling to halt or terminate the work of a medium of mass information in court in accordance with procedure established by law. In accordance with article 6 of the Law "On the mass media", an application to register a medium of mass information is to be submitted, with the necessary documents, to the appropriate State agency of the Kyrgyz Republic. Under

Ministry of Justice Regulations, confirmed by Government Decision No. 129 of 7 March 1997, the appropriate agency is the Ministry of Justice.

416. Some 400 mass media are registered in Kyrgyzstan, which bears witness to the extent of press freedom.

417. It is worth noting that the Government and official functionaries are freely criticized in the mass media.

418. Under article 127 of the Criminal Code of the Kyrgyz Republic libel, that is, dissemination of information known to be false and which is defamatory to the honour and dignity or reputation of another person, is a criminal offence. Featuring libellous information in a public speech, a publicly displayed work or in the mass media is a criminal offence.

419. Great publicity has been attracted, both within the Republic and beyond its borders, by the trials of some journalists. It is worth noting that the executive power did not intervene in the judicial proceedings, since the Constitution guarantees the principle of judicial independence. The judges' decisions were made in accordance with the law.

420. In one case, on 23 May 1997 Zamira Sydykova, editor of the newspaper "Res publica", was sentenced to 18 months' loss of liberty, to be served in a women's ordinary regime settlement colony, for libel against A. Sarygulov. Following a complaint by citizen D.I. Sarygulov, on 17 February 1997 the Procuracy of the city of Bishkek instituted criminal proceedings against Z.B. Sydykova, chief editor of the newspaper "Res Publica", M.I. Sivasheva, deputy chief editor, and A.M. Alyanchikov and B.I. Shamshiyev, journalists, on charges under article 128, part 2, and article 129 of the Criminal Code of the Kyrgyz Republic. The preliminary investigation established that on 2 July 1992 the above-mentioned persons with express malice published a series of libellous fabrications and items of false information in the newspaper "Res publica" about D. Sarygulov, the President of the State Concern "Kyrgyz Altyn", in contravention of the Kyrgyz Republic's Law "On the mass media". They were thereby in breach of articles 20 and 23 of the Kyrgyz Republic's Law "On the mass media", which states that journalists have an obligation to check the authenticity of their reports, and must not permit attacks on an individual's honour and dignity in the mass media. The Pervomaisk district court found Z.Sydykova and Alyanchikov guilty, and under article 128, part 2, and article 129 of the Criminal Code of the Kyrgyz Republic sentenced each of them to one year and six months' loss of liberty, to be served in a colony-settlement for convicted persons, and barred them from doing journalistic work for the same period. In relation to M. Sivasheva and B. Shamshiyev, under the same articles and within the range of available sanctions, in view of their character and positive references, each of them was fined 150 soms and they lost the right to do journalistic work for one year and 6 months. On 5 August the Supreme Court of the Kyrgyz Republic reviewed the sentences in its supervisory capacity, and released Sydykova from custody and from all other kinds of penalty. In relation to A. Alyanchikov, article 41-1 of the Criminal Code of the Kyrgyz Republic was applied, reprieving him for one year. The same resolution annulled the sentence issued by the Pervomaisk district court in Bishkek on 23 May 1997 in relation to M. Sivasheva and B. Shamshiev.

421. In relation to Yryspek Omurzakov, a trial took place from 3 to 5 July 1996, which ruled under article 128 (libel in printed form), that he should be

deprived of liberty for two years, the sentence to be served in a corrective labour colony under ordinary regime On 31 July the Narynsk oblast court, having considered the journal appeal, ruled to reprieve him for two years. Omurzakov was set free with compulsory registration at the office of the special commandant.

422. The international non-governmental organizations very often evaluate a situation in Kyrgyzstan on the basis of information from non-governmental organizations alone, and without checking the authenticity of the facts by requesting official information from the Government of Kyrgyzstan.

423. A new Criminal Code came into operation in KR on 1 January 1998. It is a legal instrument of high quality, which generalizes from the positive aspects of previous experience in dispensing justice, meets the shortcomings accumulated in the sphere of criminal law, and reflects the new social and economic realities of our lives today. It integrates the legal recommendations of the United Nations and takes into account the international legal instruments ratified by our country. The former Code does not actually find much repetition in the new Criminal Code. However, the latter does inherit one flawed article, that is article 127, part 3, of the Criminal Code, which replaces the previously applicable article 128 (libel), and retains (in part 3) the loss of liberty for up to three years.

424. State bodies are currently investigating the issue of repealing the criminal penalty for libel committed in printed form.

Article 20

425. Under article 65 of the Criminal Code of the Kyrgyz Republic any form of advocacy of war is punished by loss of liberty for a period of three to eight years.

426. The Criminal Code stipulates punishment for actions intended to arouse national, racial or religous hostility; to lower national self-esteem; also to advocate the exclusivity, superiority or inferiority of citizens based on their attitude to religion, their nationality or race, if these acts are committed publicly or through the mass media (art. 299).

Article 21

427. In accordance with article 16 of the Constitution of the KR every person has the right to associate peacefully, to hold meetings and demonstrations unimpeded. The Criminal Code stipulates penalties for obstructing people from holding assemblies, meetings, demonstrations, processions, pickets, or from participating in them (art. 148). Article 30 of the Constitution covers citizens' right to strike.

428. The Constitution of KR stipulates that every person in KR has the right to freedom of assembly, to associate peacefully without weapons, to hold meetings and demonstrations unimpeded. Under the Decree of the Presidium of the Supreme Soviet of USSR "On the procedure for organizing and conducting assemblies, meetings, and holding street processions and demonstrations", in accordance with the interests of the nation, the citizens of the Kyrgyz Republic are guaranteed the freedom to assemble, to meet, to hold processions and demonstrations in the street. In order to ensure the implementation of these political freedoms,

workers and their organizations are allowed to use public buildings, streets, squares and other places.

429. Applications to hold assemblies, meetings, street processions or demonstrations shall be made in writing not later than ten days before the date set for the event. The application states the aim and form of the event, its location or route, times of starting and finishing, the expected number of participants, the surnames, names and patronymics of the representatives and organizers, their place of residence and of work, the date of the application. The Executive Committee of the Council of People's Deputies considers the application and conveys its decision to the representatives not later than five days before the date indicated in the application for the event. If necessary, the Executive Committee is entitled to propose an alternative time and place for holding the event to the applicants. It is possible to appeal against a decision to a superior executive or administrative body in accordance with the procedure established by legislation. The Executive Committee provides the conditions necessary for holding the assembly,meeting, street procession or demonstration.

430. Assemblies, meetings, street processions and demonstrations shall be held in accordance with the aims indicated in the application, and at the appointed time and place. During assemblies, meetings, street processions and demonstrations the organizers and other participants must respect the law and public order. The participants are forbidden to carry weapons or especially prepared or adapted objects capable of killing or harming people, or of causing material damage to State or public organisations, or to citizens.

431. Neither State nor public organizations, officials nor citizens have the right to obstruct assemblies, meetings, street processions or demonstrations if the established procedures are observed. The Executive Committee shall ban any assembly or meeting whose aims are at variance with the Constitution or constitute a threat to public order and citizens' safety. The event must likewise be stopped if no application was submitted, if a decision was taken to ban it, if there is breach of procedure when holding the event, if danger to citizens' life or health arises, or if public order is breached. Persons who breach the procedure for holding an event bear responsibility in accordance with the legislation of the Kyrgyz Republic.

432. The procedures described do not apply to assemblies and meetings of workers' collectives or of public organizations held in accordance their charters and Regulations and with legislation.

Article 22

433. In accordance with article16 of the Constitution of the Kyrgyz Republic every person has the right of association. In accordance with the Law of the Kyrgyz Republic "On public associations" the right to associate is an inalienable human and civic right, proclaimed by the Universal Declaration of Human Rights and fixed in the Constitution of the Kyrgyz Republic. The Kyrgyz Republic guarantees to its citizens the right to create public associations. In accordance with the Kyrgyz Republic's Law "On public associations" they are voluntary entities, which come into being through the exercise of the free will of KR citizens associating on the basis of unity of interests, aims and principles underlying their activity.

434. Under article 8 of the Constitution of the Kyrgyz Republic, political parties, trade unions and other public associations may be organized in the Kyrgyz Republic on the basis of free will and unity of interests. The State ensures that the rights and legitimate interests of public associations are respected.

435. Under article 14 of the Code of Labour Laws workers have the right, in order to maintain and promote their interests, to form trade unions or other bodies representing the interests of workers at an enterprise and to join existing organisations. Agreements which seek to limit or obstruct this right are not valid, and measures directed to such ends are against the law.

436. Trade unions or other bodies representing the workers of an enterprise are entitled to bargain collectively with individual employers, groups of enterprises and employers' associations. Workers have the right to apply collective pressure, including the effective right to strike in case of conflict of interests, if this is not at variance with the obligations arising from their current [employment] contract.

437. The rights of association and trade unions:

- Trade unions are voluntary public organizations, based on unity of interests at work both in the manufacturing and non-manufactuirng sectors, for the protection of their members' working, social and economic interests;

- Workers of every kind are entitled to create a trade union voluntarily, by their own choice and without obtaining permission beforehand, and are also entitled to join a trade union, on condition they comply with its regulations;

- Workers are entitled to create trade unions at enterprises, institutions, organisations and other work places irrespective of their form of ownership;

- Trade unions are independent in their work and are subordinate to the law of the Kyrgyz Republic alone. They are not accountable to or under the supervision of bodies of State power and administration, employers, political parties or other public organizations. Any interference capable of restricting or of impeding the exercise of trade union rights is forbidden, unless otherwise stipulated by law;

- Membership or non-membership of a trade union does not entail any restriction of the working, social, economic, political, personal rights and civic freedoms guaranteed by the Constitution of the Kyrgyz Republic. It is forbidden to make the hire, promotion or dismissal of a worker conditional on membership of, entry to or exit from a trade union.

438. Trade unions may amalgamate into federations, which in turn may amalgamate into leading organizations (unions). Federations and leading unions enjoy the rights of trade unions. Trade unions may join international trade union organizations.

439. Trade unions protect their members' right to work, participate in developing national employment policy, exercise public supervision over citizens' employment levels and over compliance with Kyrgyz Republic legislation on labour and employment, propose measures, defined by collective agreements based on legislation, for the social protection of persons whom enterprises make redundant.

440. If workplaces are reduced, or working conditions adversely affected by the measures listed below, the latter may be implemented only on condition that the relevant trade unions are notified at least three months in advance, and negotiations held with them on how to observe the workers' rights and interests. The measures concerned are: changes in the form of ownership, liquidation, reorganization of an enterprise and of its structural subdivisons, full or partial cessation of production on the initiative of the employer, owner or the management body representing him.

441. Trade union representatives are entitled unrestricted access to enterprises and workplaces where members of the trade union are employed in order to perform their official tasks and exercise their rights. Trade unions and their bodies have a right to conduct negotiations, and to conclude collective contracts and agreements on workers' behalf at the level of the Republic as a whole, at industrial branch and territorial level. Trade unions have a right to conduct negotiations with other bodies representing the workers of enterprises, and to disseminate their publicity material. Trade unions have the right to make arrangements for their members to participate in strikes in accordance with legislation.

442. Under article 21 of the Code of Labour Laws trade unions have a right to represent the legitimate rights and interests of their members in court at any stage in legal proceedings. Under article 73 of the Code of Labour Laws the parties to a collective labour dispute are the employer (employers, associations of employers) and the trade union or other body representing the workers of an enterprise (associations of such).

443. In Kyrgyzstan there are currently 20 industrial trade unions at the level of the Republic as a whole, 5 oblast territorial trade unions, and 59 municipal and district trade union committees.

444. The creation and activity of public associations with the following aims and methods of work are not permitted: the overthrow and violent change of the constitutional order; violation of the unity of the territory of the Kyrgyz Republic; advocacy of war, violence and cruelty; fanning social, racial, national and religious dissent; discrediting the army and the law enforcement agencies; perpetration of other punisheable acts. The law prosecutes the creation and activities of public associations which encroach on the health and morals of the population, on citizens' rights and their interests protected by law (art. 3 of the Kyrgyz Republic's Law "On public associations"). The Criminal Code of the Kyrgyz Republic makes it a punishable offence to organize a religious or public association which encroaches on the person or rights of citizens (art. 259).

445. Under article 165 of the Civil Code commercial organizations may agree to amalgamate as associations, for the purposes of coordinating their entrepreneurial activities, and of representing and protecting their common property interests. The associations are non-commercial organizations. Under

article 86 of the Civil Code the associations are subject to registration by judicial institutions in accordance with the procedure defined by the law on registration of legal entitites. The acts of State registration are recorded in a single state register of legal entities, which is freely accessible to the public. Breach of the procedure established by the law for forming a legal entity, or failure of its articles of association to comply with the law entails refusal to grant State registration as a legal entity. It is not permitted to refuse to register a legal entity because it seems undesirable. It is possible to appeal in court against a refusal of State registration status, and likewise against avoidance of such registration. A legal entity is considered created from the moment of its State registration (art. 86).

446. Sixteen political parties are officially operating in the Republic. Political parties may participate in State affairs only in the following forms: nominating candidates for election to the Zhogorku Kenesh, for government posts and local self-government bodies; forming factions within representative bodies. Religion and all sects are separate from the State. In the Kyrgyz Republic it is not permitted: to merge State and party institutions; to subordinate government activity to party programmes and decisions, for party organizations to be created or to be active within state institutions. Civil servants are entitled to be active within a party outside their professional activity.

447. Some 800 non-governmental organizations are registered in Kyrgyzstan. Public associations include young people's and children's organizations. The law stipulates that "the State renders both material and financial support to young people's and children's organizations, ensures that a preferential tax policy is applied to them, gives children's organizations the right to use school premises, out-of -school institutions, clubs and recreation centres, sports and other equipment free of charge, or on preferential terms". It is forbidden to create political and religious parties in educational institutions.

448. In addition to the traditional school councils, which include children on an equal footing with representatives of the teachers, parents and the public, new forms of democratic self-government have come into being: "Manas", "Semetei", "Seitek", approved by the Kyrgyz Government Decision dated 23 December 1996 "On the work of the Osh oblast State administration on bringing up the young generation in accordance with the values of the 'Manas' epic". The process of forming a variety of children's organizations is under way - legal, environmental, scouting type organizations and others. At the institutes of higher educations there are students' councils, academic societies, halls of residence councils.

Article 23

449. Under the Constitution of the Kyrgyz Republic the family is the fundamental unit of society. Family, fatherhood, motherhood and childhood are the concern of the whole society and subject to preferable protection by law. Child care and upbringing are the natural right and civic duty of parents. Able-bodied children of full age are obliged to render help to their parents.

450. The government provides material assistance, upbringing and education for orphans and children deprived of parental support. The State cares for the family by creating and developing a broad network of maternity clinics, crèches, kindergardens, and other services and organizations for children; by improving communal services and amenities and public catering; by paying allowances on the

birth of a child, providing allowances and privileges to single mothers and to large families, and other kinds of family allowance and assistance.

451. Every citizen has an obligation under the Constitution to be involved in the upbringing of his child. The Kyrgyz Republic's law on marriage and the family defines the duties of parents and responsibility for their children's physical development and education. It also sets out the legal framework for the relationship between parents and children. In order to safeguard children's interests it sets limits to parental rights, which may be exercised only in the children's interests .

452. Family relations are governed by the KR Marriage and Family Code. Its tasks are:

- to further strengthen the family, build family relations on a voluntary conjugal bond between a man and a woman, on mutual feelings of love, friendship and respect between family members, untainted by material calculation;
- to give children an upbringing in harmony with public education into devotion to the Motherland;
- in every way to safeguard the interests of mother and child and to ensure a happy childhood for every child;
- to finally eliminate harmful customs and vestiges of the past from family life.

453. At all levels there are bodies working on the problems of family, women and children. In the Legislative Assembly ZhK there is a commission on issues in women's, family and youth education, which provides legal protection of the interests of the family, women and minors during parliamentary debates on new legislation.

454. The Law "On public health care" identifies the general legal, economic and social foundations on which public health care is based. Citizens have a constitutional right to health care, to use a State network of public health institutions free of charge. For the time being the health care situation remains difficult. The resources made available from the budget turned out to be insufficient for the realization of all the measures set out in the "Healthy Nation" programme. Against this background in 1996 the Ministry of Public Health used up loans to an amount exceeding US$ 7 million, interest-free loans of US$ 9 million, and humanitarian aid worth US$ 2.3 million. The World Bank provided soft loans to the value of US$ 18.5 million; there are plans to start up the pharmaceutical factory in Bishkek under a government line of credit credit from Pakistan. This year the health care budget has been set at 678.2 million soms, 15% higher than in 1996.

455. In the Kyrgyz Republic motherhood is held in general esteem and respect, and is protected and encouraged by the State. The interests of mother and child are protected by special measures safeguarding women at work and women's health, by the creation of conditions enabling women to combine work and motherhood, by the legal defence and material and moral support of motherhood and childhood, including combining maternity leave with maternity maintenance and other privileges (art. 5, chap. 1, of the KR Marriage and Family Code).

456. Free and full consent is a necessary condition for entry into marriage (art. 17 of the Kyrgyz Republic Marriage and Family Code). The State is taking the necessary legislative measures to ensure the marriage partners have equal rights and duties. A marriage contracted under duress applied to one or both partners may be annulled (art. 58 of the KR MFC). The Criminal Code of the Kyrgyz Republic specifies penalties for forcing a woman to enter into a marriage or for preventing a marriage (art. 155). Within the family men and women enjoy equal rights and bear equal responsibilitites (art. 22 MFC).

457. Marriages are contracted in the State civil status registry office. Registration of marriage is established both in the interest of State and public, and to protect the personal and property rights and interests of the marriage partners and their children. Only a marriage contracted in a State registry office gives rise to conjugal rights and obligations.

458. Persons wishing to marry must notify the State registry office one month before the marriage is to take place. The Registrar may, given valid reason, shorten or extend the period of notice, up to a maximum of three months.

459. The persons to be married must give their consent, and be of marriageable age for the marriage to take place (art. 17). The marriageable age is set at 18 (art. 18 MFC).

460. Marriage is not permitted:

- between persons even one of whom is already married;
- between relatives in line of direct ascent or descent, between full and half brothers and sisters, nor between parents and adopted children;
- between persons even one of whom has been recognized by a court as incapable, due to mental illness or imbecility.

461. The partners' conjugal rights and obligations arise from the time the marriage is registered in a registry office.

462. The rights arising from marital and family relationships are protected by the law, except when the use people make of these rights is contrary to their purpose. When family members make use of their rights, this must not be to the detriment of the public or the State, or the rights of other citizens. In implementing their rights and obligations citizens must observe the law, respect the moral principles of society, assist in consolidating the family in every way (art. 6.1 MFC).

463. The rights arising from marital and family relationships are protected by the courts, the child welfare authorities and the registry offices. These rights are also protected by labour collectives, trade unions and other public organizations in the instances and in accordance with the procedure established in KR legislation.

464. The Marriage and Family Code (MFC) establishes the procedure and the conditions for entering marriage, governs personal and property relations arising within the family between marriage partners, between parents and children, between other family members; relations arising through adoption,

guardianship, rearing others' children; the procedure and conditions for terminating marriages; the procedure for registering changes in civil status.

465. Marriage partners must support each other materially. A husband unable to work, or a wife during pregnancy and for three years after the birth of a child, is entitled to pursue the other partner in court for maintenance (alimony) if she/he is capable of providing it but refuses to do so.

466. A marriage may end as a result of the death of one of the partners or if one of the partners is declared dead by legal process. A marriage may be dissolved during the lives of the partners by divorce, upon application by one or both partners. A husband is not entitled to institute divorce proceedings without his wife's consent while she is expecting a child and for eighteen months after the birth of a child. Marriages are dissolved by legal process or, in cases specified in arts. 48 and 49 of the Code, at a registry office (art. 40 MFC). Courts consider applications to dissolve marriages under the proceeding established by the KR Code of Civil Procedure. When considering an appliction to dissolve a marriage the court must establish the motives for the application, and take steps to reconcile the marriage partners. The court is entitled to postpone a hearing and declare a reconciliation period.

467. If a marriage is dissolved, article 43 of the MFC protects the interests of children and of a spouse unable to work. When a court dissolves a marriage, it takes measures where necessary to protect the interests of minor children and of a marriage partner unable to work. If there is a dispute between the partners as to which of them the children will live with after the marriage is dissolved, and as to which of the partners should make maintenance payments for the children, under what procedure and in what amount - the court must specify when dissolving the marriage which of the children stays with which parent, and which of the parents is to pay maintence for the children and in what amount.

468. Article 33 stipulates that a spouse retains the right to maintenance after dissolution of the marriage. The right of a needy spouse who is unable to work to receive maintence from the other spouse survives after the marriage is dissolved, if the person became unfit for work before its dissolution, or within one year of its dissolution. If a couple was married for a long time, the court is entitled to order maintenance to be paid to the needy divorced spouse if that person reaches retirement age within,five years of the dissolution of the marriage. A wife retains the right to receive maintenance (alimony) from her husband during pregnancy and for three years after the birth of the child, if she conceived before the marriage was dissolved. The amount to be paid for maintenance to a spouse is determined according to the material and family circumstances of both spouses, is expressed as a fixed sum of money, and is paid monthly from the moment the action is brought against the spouse concerned (art. 34 MFC).

469. A court may release a spouse from the obligation to pay maintenance to the other spouse, or limit this obligation in time in cases where:

- the couple was married for a short time;
- the spouse seeking maintenance behaves in an unworthy manner;
- the needy spouse becomes unable to work as a result of alcohol or drug abuse, or of committing a crime (art. 36).

470. The right of one marriage partner to receive maintenance from the other lapses if the conditions which constituted grounds for receiving maintenance under articles 32 and 33 of the Code cease to obtain. The same applies if a divorced spouse receiving maintenance remarries. When the material or family circumstances of the [former] spouses change, either of them may apply to the court to alter the amount ordered to be paid as maintenance. A spouse may be released from the obligation to maintain a spouse who is needy or unfit for work, or that obligation may be limited in time by a court ruling.

471. The mutual rights and obligtions of parents and children are based on the parentage of the children, certified in accordance with the procedure established by law (art. 62 MFC). The parentage of children born of parents married to one another is established by the record of the parents' marriage. The parentage of a child born of parents not married to one another is established by the father and mother of the child making a joint application to a State registry office. The paternity of a child born of parents not married to one another , in the absence of a joint application by the parents, may be established by legal process upon application by one of the parents, or the guardian of the child, the person on whom the child is dependent, or by the child himself when he comes of age. In establishing paternity, the court takes it account if the child's mother and the respondent lived together and had a joint household before the child's birth, if they jointly brought the child up or maintained it, and any evidence which positively confirms paternity.

472. If the mother dies or loses her parental rights the person recorded as father of a child, or the person who is de facto the father, is entitled to contest the entry for one year from the time he became aware or should have become aware of the entry made. If by that date the person recorded as father is under age, the one-year period starts on the person's eighteenth birthday. The person recorded as a child's father following an application made by him or made jointly with the child's mother is not entitled to contest paternity if he knew at the time of submitting the application that he was not actually the father of that particular child. A husband who gives permission for his wife to be artificially inseminated with donor sperm is recorded as the father of the child born, and is not entitled to contest the entry (art. 68).

473. When a child is born to an unmarried mother, if the parents do not make a joint application and the court does not issue a ruling establishing paternity, the register of births records the mother's surname as the entry for father, and the child's name and patronymic are recorded according to her wishes (art. 70 MFC).

474. Parents have a right and a duty to raise their children, to care for their health, their physical, spiritual and moral development, for their education, to prepare them to do socially useful work, and to grow into worthy members of society. Parental rights may not be exercised against the children's interests. Protection of the rights and interests of minor children is the responsibility of their parents.

475. When parents (or one of them) perform their parental child-rearing obligations inappropiately or abuse their parental rights, children are entitled to turn to the child welfare authorities for protection of their rights and interests.

476. Parents are the legal representatives of their minor children and speak out in defence of their rights and interests before all institutions, including judicial ones, without speciific authorisation.

477. If the parents are not living together as a result of dissolution of the marriage or for other reasons, their agreed decision determines with which of them their minor children must live. If they do not agree, the dispute is settled by a court, proceeding from the interests of the children and taking their wishes into account. Parents living apart from their children have a duty to share in [the costs of] their upbringing , and have a right to be in contact with them. The parent with whom the child lives is not entitled to prevent the other parent from sharing in the child's upbringing or from being in contact with it.

478. The child welfare authorities may for a specific period deprive a parent living apart from a child of the right to be in contact with him, if contact is preventing the child receiving a normal upbringing or having a harmful effect on him. If the parents cannot come to an agreement on the way the parent living separately from the children should share in their upbringing, then the child welfare authorities make an arrangement, with the involvement of the parents and proceeding from the interests of the children. In cases where the parents do not abide by the ruling of the child welfare authorities, the latter are entitled to apply to the courts to settle the dispute. Likewise each of the parents is so entitled. If the court's ruling is ignored, the parent responsible is treated in accordance with the measures specified in the Code of Civil Procedure KR. If a court ruling is maliciously ignored, the parent living apart is entitled, if it is in the child's interests, to start legal proceedings for transfer of the child.

Article 24

479. In accordance with article 26 of the Constitution of the Kyrgyz Republic children are the concern of the whole society and of protection by law. The Kyrgyz Republic became party to the Convention on the Rights of the Child on 6 October 1994, and more detailed information on the rights and legal status of children in Kyrgyzstan can be found in the report submitted by Kyrgyzstan to the Committee on the Rights of the Child.

480. On 1 January 1997, there were 1,984,309 children and adolescents under the age of 18 living in the Kyrgyz Republic, including:

Age, in years	Number
0	106 090
1-6	689 244
0-16	1 894 435
0-17	1 984 309

481. Caring for and bringing up one's children is the constitutional duty of every citizen. The Marriage and Family Code of the Kyrgyz Republic defines the duties of parents and their responsibility for the physical development and education of their children. It also establishes the legislative procedure that governs the relations between parents and children and the basis of their rights

and duties. For the purpose of protecting the interests of the child limits are imposed on parental rights, which may be exercised only in the interests of the child. For the purpose of protecting the interests of the child, it is planned that Parliament should consider draft laws of the Kyrgyz Republic on the rights of the child and on the procedure for inter-country adoption of a child who is a citizen of the Kyrgyz Republic.

482. The domestic legislation of KR specifies measures for preventing the separation of parents and children except in special circumstances. This provision is secured in the first instance by the prior right of parents to bring up their children, even in cases where the parents' marriage is dissolved.

483. Every child is entitled to a name (art. 71 of the Marriage and Family Code). Under article 54 of the Civil Code of the Kyrgyz Republic, the name given to a citizen at birth must be registered.

484. The domestic legislation still lacks a specific definition of the child as an independent entity with a clear legal status. However, the legal position of a citizen of an age which fits the description of a "child" given in the Convention is governed by individual laws of the Kyrgyz Republic. In the light of the ratification of the Convention on the Rights of the Child by the Kyrgyz Republic, article 1 of the draft Law of the Kyrgyz Republic on the defence and protection of the interests of minors, approved by Decision of the Government of the Kyrgyz Republic No. 386 of 30 June 1997 and sent to Parliament for consideration, contains the following definition: "In the Kyrgyz Republic a person is recognized as being a minor until he or she reaches the age of 18". Under the Civil Code of the Kyrgyz Republic, the passive capacity to possess civil rights and duties arises at birth and expires at death, while the capacity actively to acquire civil rights and exercise them and to create civil duties for oneself and fulfil them comes fully into effect only when a person reaches majority, i.e. at the age of 18. By way of exception, full civil capacity may be acquired by persons who marry before reaching the age of 18, and persons who have reached the age of 16 and are working under a contract of employment or, with the consent of the parents, adoptive parents or guardians, are engaged in a business activity.

485. Kyrgyz legislation does not provide for a minimum age for obtaining legal or medical counselling without parental consent. As a citizen, a minor may independently seek legal advice from the child welfare authorities, the Commission for Minors and other State services.

486. It is forbidden to employ anyone under 15 years old. Minors may not be employed to do heavy labour, under conditions that are harmful or dangerous to health, on night-work or overtime, on weekends or public holidays, or if the work is such as to prevent the child from receiving a basic education. However, an inadequate standard of living is forcing children and adolescents to leave school in order to earn money, to the detriment of their intellectual development. In practice, they find employment in unskilled jobs, which in some cases can be dangerous for growing boys and girls, and generally in the private sector where, unfortunately, the requirements of the law are not always respected.

487. The KR Code of Labour Laws guarantees each citizen's right to work which takes into account his education, wishes and abilities; it grants a number of privileges to minors, and forbids their employment in conditions dangerous to

health, or if the work is such as to prevent the child from receiving a basic education (art. 13 CLL).

488. Individuals who commit an offence after reaching the age of 16 are held criminally responsible. Individuals aged from 14 to 16 are criminally liable only for murder, the deliberate infliction of bodily harm resulting in the impairment of health, rape, robbery, theft, malicious hooliganism, deliberately destroying or damaging State, public or personal property with serious consequences, theft of a firearm, ammunition or explosives, and theft of narcotics, and also for deliberately committing acts capable of causing the derailment of a train. An individual who commits a crime before reaching the age of 18 may not be sentenced to more than 10-years' imprisonment.

489. When serving a penal sentence boys are held in educational-labour colonies while girls are held separately in settlement colonies or colonies for women convicts. The Code of Criminal Procedure and the Criminal Code respect the presumed innocence and protect the rights of children charged with a criminal offence by stipulating that a minor under investigation must be defended from the moment he is detained. Parents or parental substitutes are entitled to be present at any stage of criminal proceedings against a minor, provided this is not against his interests. A minor may be called to court as a witness in a civil or criminal case.

490. The views of a child aged 10 and over are taken into account by the courts when settling disputes between parents over where children are to live, and their upbringing. On reaching the age of 16 a citizen may change his surname, name and patronymic (arts. 13-20 of the Kyrgyz Republic's Law "On citizenship"). Paragraphs 147-148 in article 3 of this report describes how children acquire citizenship.

491. The KR Law "On freedom of religion and of religious organizations" secures the constitutional right to faith; to protection of rights and interests irrespective of religious affiliation; and to access to various kinds of education independently of attitude to religion.

492. Adoption and guardianship remain the priority means of providing for children deprived of parental care. There has been some development of family-type children's homes in which from 5 to 10 orphans are brought up. An advantage of these forms of care for children deprived of parental support is that they are raised in a family environment with excellent social adaptation to the community and to work. At present, however, family-type children's homes, being on the budget of the local State administrations, are experiencing considerable financial difficulties. The Marriage and Family Code of the Kyrgyz Republic and Decision No. 825 of the Government of the Kyrgyz Republic, dated 13 November 1994, approving the Regulations on the adoption procedure for minors deprived of parental care establish the procedure for the adoption of children by citizens of the Kyrgyz Republic and for inter-country adoption. In 1996, 9,431 children were adopted, as compared with 8,742 in 1995.

493. The penalty under the Penal Code of the Kyrgyz Republic for breaching the confidentiality of adoption against the will of the adoptive parent is up to two years' corrective labour or a fine.

494. The Legislative Assembly of the Zhogorku Kenesh, together with the interested organs of the Republic, has prepared a draft Family Code of the

Kyrgyz Republic which includes a new chapter on the "Foster family". This is a provision new to Kyrgyzstan family law for placing children in the care of a family on the basis of an agreement between the child welfare authorities and the foster parents. Pending the entry into force of the Family Code, the Regulations on family-type children's homes (foster families), approved by Decision of the Government of the Kyrgyz Republic No. 598 of 13 November 1993, remain in effect.

495. In cases where the legal requirements and formalities have not been observed, and likewise where the child's interests have suffered, a procedure exists for annulling or terminating adoption. Adoption may be terminated or annulled only by a court order.

496. Children placed with adoptive families (together with those placed in guardianship) account for 75 to 80 per cent of the total number of children known to have been deprived of parental care.

497. Citizens with active civil capacity may be appointed adoptive parents or guardians, excepting persons deprived of parental rights or guardianship rights, and persons dismissed from their guardianship duties for performing them inappropiately . Access to information concerning the biological family is limited only for the purpose of keeping an adoption confidential. At least two thirds of a person's estate, irrespective of the contents of the will, is inherited by his [or her] children of minor age or who are unable to work, including adopted children born after the person's death.

498. There are certain limitations on the capacity of children under the age of 14 to perform property transactions independently, and these can be concluded only with the involvement of their legal representatives.

499. It is compulsory to record an adoption in the Registry Office in the area where the ruling on adoption was made within one month of the ruling.

500. Under the domestic legislation, children in situations of emergency, in particular refugee children and children involved in armed conflicts and natural disasters who are in need of physical and psychological recovery and social reintegration, receive material, medical and other assistance and, where necessary, are found places in a children's home or clinic. In 1997, about 70 refugee children with various ailments were sent for treatment to a health camp located in the Alamudun district of Chui oblast. Every year about 6,000 children take holidays and recuperate in children's camps organized by the Government of the Kyrgyz Republic and the Trade Union Federation of the Kyrgyz Republic. These children are mainly from large families.

501. In the Criminal Code of the Kyrgyz Republic there is an entire chapter devoted to the punishment of offences against the life, health, freedom and dignity of the person. Moreover, the Code establishes penalties for the premeditated murder by the mother of her newborn child, evasion of the responsibility to provide for a child or make maintenance payments, and for abusing the authority of a guardian. With a view to protecting the life and dignity of the child, the Criminal Code of the Kyrgyz Republic defines the offence, fixes the punishment and establishes the liability of persons found guilty of involving children in crime, begging or prostitution, of reducing a minor to a state of intoxication, or involving children or adolescents in the non-medicinal use of medicaments and other substances having a narcotic effect.

The Marriage and Family Code of the Kyrgyz Republic establishes the liability of parents and persons in loco parentis for ill-treatment, lack of care and abuse of their rights, which can lead to the deprivation of parental rights.

502. If there is a direct threat to the life or health of the child, the child welfare authority may decide to remove the child forthwith. The Civil Code of the Kyrgyz Republic requires compensation to be paid, in cash or in kind, for causing a person moral harm (physical or moral suffering). The lodging of complaints is governed by the Law of the Kyrgyz Republic on the procedure for considering proposals, applications and complaints by citizens. This does not envisage any restrictions on the possibility of a complaint being lodged by a minor, either directly or through his or her representative.

503. The Marriage and Family Code provides for penalties such as deprivation of parental rights for parents who fail to perform their duties, abuse their rights or engage in amoral or antisocial behaviour. In 1996, a total of 36 parents were deprived of their parental rights on these grounds. When it is dangerous to leave the child with the parents, the court may decide to remove the child and hand it over to the child welfare authorities, irrespective of the deprivation of parental rights. In exceptional cases, where there is a direct threat to the life or health of the child, the authorities may decide on the immediate temporary removal of the child from the parents or other persons in whose charge it effectively may be. In the Kyrgyz Republic, the number of children recorded as deprived of parental support is increasing from year to year. Thus, in 1996 there were 6,056 children placed in guardianship or curatorship as compared with 5,715 in 1995.

504. Where necessary and if there is no possibility of placing orphans and children deprived of parental care with a family, measures are taken to create the necessary conditions in children's boarding institutions to ensure their full physical, intellectual and spiritual development. In the Kyrgyz Republic there are six children's homes and four boarding schools for children deprived of parental care with a total complement of 1,238 children, of whom 824 or 78.4 per cent have parents but have been deprived of parental care, and 214 or 20.6 per cent are orphans whose parents have died.

505. The children's homes and orphanage schools are overcrowded. In 1996-1997, three boarding schools for orphans and children deprived of parental care were opened in the Republic. However, there is an acute problem with regard to the opening of children's homes in Talas and Naryn oblasts. Unfortunately, in view of the serious financial and material situation in the institutions the requirements with respect to the upkeep of the children are not always met. As a result of the economic crisis in KR there is an especially difficult situation in the children's homes and the special boarding schools for disabled children, where the material and technical facilites are out of date, and there is a shortage of medical equipment and of medicines for the treatment and rehabilitation of the children.

506. The birth of a disabled child places a heavy burden on the family and especially on low-income families, the number of which has been increasing sharply over the last few years as a result of the deterioration of the social situation brought about by the economic crisis. Accordingly, it is not uncommon for parents to abandon their children or send them to children's homes, without taking any further interest in their fate. International organizations such as UNICEF and UNDP are providing considerable assistance for children in the field

of health care. In 1996 and 1997 the KR Children's Foundation and the Meerim International Foundation were actively involved, with the assistance and financial backing of SOS Kinderhof-International, in measures to organize children's villages for abandonned children in the Republic; a children's centre was set up in each oblast in the Republic. Through UNDP about US$ 1 million are being disbursed for the construction of a centre for neglected children. The Office of the Mayor of Bishkek has set aside a plot of land for these purposes. A stone has been erected at the site of the proposed children's village.

Article 25

507. Under the Constitution of the Kyrgyz Republic, citizens of the Kyrgyz Republic:

(a) Participate in the government of the country both directly and through their representatives (art. 23);

(b) Elect the President, Deputies of the Zhogorku Kenesh and their representatives to bodies of local self-government, by universal equal suffrage exercised through secret ballot (art. 1);

(c) Have equal access to public service (Art.23).

508. Various statutory instruments of the KR regulate these issues in detail. Under the Law "On election of the President of the Kyrgyz Republic" it is forbidden to impose any direct or indirect restriction on the suffrage of citizens of KR on the basis of origin, race or nationality (part 3, art. 2). Under the Law "On election of deputies of the Zhogorku Kenesh of the Kyrgyz Republic" it is forbidden to impose any direct or indirect restriction on the suffrage of citizens of KR on the basis of origin, race or nationality (part 4, art. 2). Under the Regulations "On election of deputies of the primary level local keneshes of the Kyrgyz Republic" all citizens of KR are equally entitled to elect their representatives to local government bodies, and also to stand for election. It is forbidden to impose any direct or indirect restriction on the suffrage of citizens of KR on the basis of origin, race or nationality (art. 2 of the Regulations). Moreover, in case of a referendum conducted on the basis of equal suffrage, it is forbidden to impose any direct or indirect restriction on the rights of citizens of KR to participate in the referendum on the basis of origin, race or nationality (part 3, art. 3 of the Kyrgyz Republic Law on Referenda). The Criminal Code stipulates penalties for obstructing the exercise of suffrage and the work of electoral commissions (art. 139).

509. Under article 23 of the Constitution of the Kyrgyz Republic, citizens of the Kyrgyz Republic have equal access to employment in public service. Under the Regulations "On the foundations of public service in the Kyrgyz Republic", underlying the public service are the principles of:

- the priority of human and civil rights, liberties and lawful interests (point 5, para. "c");
- equal access to public service in accordance with vocational training, competence, personal and professional qualities (point 5, para. "d").

In accordance with article 5 of the draft Law "On the public service of the Kyrgyz Republic", underlying the public service is the principle of equal access to public service.

510. In accordance with existing legislation foreign citizens may not be employed in the civil service of the Kyrgyz Republic, may not vote for, or be elected to elected government bodies, and may not participate in a national vote (referendum).

Article 26

511. Under article 15 of the Constitution of the Kyrgyz Republic all persons are equal before the law. Every citizen in the Kyrgyz Republic is guaranteed effective legal assistance and defence of rights and freedoms (art. 40 of the Constitution of the Kyrgyz Republic). The Code of Civil Procedure of the Kyrgyz Republic gives equal rights to the parties, with no discrimination by any characteristic.

512. When a person commits an act punishable under criminal law, conditions are created enabling him to exercise his right to defence. In the event of a guilty verdict, the court imposes a penalty within the limits laid down by the [relevant] law. When imposing a penalty, the court takes into account circumstances mitigating and aggravating liability. Such circumstances do not include race, skin colour, sex, language, religion, political and other beliefs, national or social origin, proterty status, etc. Detailed information can be found in articles 2 and 14 of this report.

Article 27

513. Owing to its geopolitical situation and historical circumstance, the Kyrgyz Republic came into being as a muti-ethnic State with an ethnically complex population comprising, besides the titular nation, several ethnic groups of considerable size. As of 1 January 1997, the population included over 80 nationalities, of which the largest were Kyrgyz, with 60.8 per cent, Russians, with 15.3 per cent, Uzbeks, with 14.3 per cent, Ukrainians, with 1.5 per cent, Tatars with 1.2 per cent. Other ethnic groups account for less than 1 per cent of the Republic's population. In some cities and districts the Kyrgyz are outnumbered by other nationalitites. The Kyrgyz are in the minority in Chuy oblast, with 40 per cent of the population, and in Bishkek, with 34.57 per cent. Figures are provided only on some of the largest nationalities across the Republic as a whole.

514. The Kyrgyz Republic guarantees the preservation, equality and unrestricted development and functioning of all languages used by its population (art. 5 of the Constitution of the Kyrgyz Republic). It ensures the unrestricted development of the languages of other national groups living in the Republic (art. 4, Law on the State Language of KR). Every citizen has the right to unrestricted choice of language in which to communicate (art. 6, Law on the State Language of KR).

	Population (thousands)							As proportion of total (per cent)1/						
	1991	1992	1993	1994	1995	1996	1997	1991	1992	1993	1994	1995	1996	1997
of which2/														
Kyrgyz	2371.6	2450.4	2526.4	2595.7	2656.1	2720.8	2781.1	54.0	55.0	56.5	58.6	59.7	60.3	60.8
Russians	905.4	888.7	840.5	75[illegible].3	720.0	707.5	698.1	20.6	20.0	18.8	17.1	16.2	15.7	15.3
Uzbeks	580.3	593.3	604.2	613.6	625.4	640.0	653.3	13.2	13.3	13.5	13.8	14.1	14.2	14.3
Ukrainians	104.4	101.1	93.3	81.2	75.7	73.1	70.9	2.4	2.3	2.1	1.8	1.7	1.62	1.5
Tatars	72.3	71.5	68.2	59.3	55.6	54.2	53.2	1.7	1.6	1.5	1.3	1.2	1.2	1.2
Dungans	38.2	39.6	40.8	41.9	42.8	43.8	45.2	0.87	0.8	0.89	0.9	0.9	1.0	1.0
Uighurs	38.0	39.0	39.9	40.6	41.3	42.3	42.8	0.9	0.88	0.9	0.9	0.9	0.9	0.9
Kazakhs	39.5	40.9	41.4	41.2	41.6	42.0	42.4	0.9	0.9	0.9	0.9	0.9	0.9	0.9
Tajiks	34.7	35.2	35.5	36.2	36.9	37.9	38.8	0.8	0.8	0.8	0.8	0.8	0.8	0.8
Turks	21.6	22.1	23.0	23.7	24.3	24.9	25.4	0.5	0.5	0.5	0.5	0.5	0.6	0.6
Germans	70.0	56.3	44.4	33.7	26.1	20.9	17.3	1.6	1.3	1.0	0.8	0.6	0.5	0.4
Azerbaijanis	15.4	16.1	16.9	17.4	17.9	18.5	19.0	0.3	0.4	0.4	0.4	0.4	0.4	0.42
Koreans	18.5	18.7	18.6	18.1	17.9	17.7	17.8	0.4	0.4	0.4	0.4	0.4	0.4	0.4
Belarussians	9.0	8.8	8.1	7.3	7.0	6.8	6.7	0.2	0.2	0.2	0.2	0.16	0.15	0.15
Armenians	3.9	3.8	3.8	3.7	3.6	3.6	3.7	0.1	0.1	0.1	0.1	0.1	0.1	0.1
Moldovans	1.9	1.9	1.8	1.7	1.7	1.7	1.7	0.04	0.04	0.04	0.04	0.04	0.04	0.04
Jews	4.2	3.6	3.0	2.4	1.9	1.5	1.3	0.1	0.1	0.1	0.1	0.04	0.03	0.03
Georgians	1.1	1.1	1.1	1.1	1.1	1.0	1.0	0.03	0.03	0.02	0.02	0.02	0.02	0.02
Turkmen	0.8	0.8	0.8	0.8	0.8	0.8	0.8	0.02	0.02	0.02	0.02	0.02	0.02	0.02
Lithuanians	0.4	0.4	0.4	0.3	0.3	0.3	0.3	0.01	0.01	0.01	0.01	0.01	0.01	0.01
Estonians	0.4	0.4	0.4	0.3	0.3	0.3	0.3	0.01	0.01	0.01	0.01	0.01	0.01	0.01
Latvians	0.3	0.3	0.3	0.2	0.2	0.2	0.2	0.01	0.01	0.01	0.0	0.0	0.0	0.0

1/ No figure is shown for nationalities which constitute less than 0.01 per cent of the total population.

2/ With the exception of the Kyrgyz, nationalities are listed in descending order of size for 1996.

515. Besides the State language, the local authorities in areas with high concentrations of ethnic inhabitants (Uzbeks, Tajiks, Germans, Dungans, Uighurs, etc.) are entitled to use their native languages. Anyone who cannot speak those languages will be furnished with a translation (art. 16, Law on the State Language of KR). The main language used in the arts, mass media, public information and book publishing is the State language. At the same time the cultural interests of those living in the Republic who speak Russian and other languages are given due regard (art. 24, Law on the State Language of KR).

516. In areas with high concentrations of ethnic inhabitants (Uzbeks, Tajiks, Germans, Dungans, Uighurs etc.), schooling is provided and material is published and broadcast in their native languages, and ethnic cultures are permitted to flourish (art. 25, Law on the State Language of KR).

517. The Kyrgyz-Russian (Slav) University opened in autumn 1992; steps were taken to introduce criminal liability for discriminating against citizens on the basis of their nationality.

518. Ethnically based organizations devoted to protecting the interests of ethnic groups and upholding their linguistic and cultural identity began to form in 1992; by 1994 they numbered over 20. On 7 December 1993, the leaders of 11 such organizations suggested that the President of the Republic should convene a kurultai (council) of the people of Kyrgyzstan to discuss common problems, look for solutions and seek ways to escape the crisis affecting the country so as to strengthen inter-ethnic concord. The President supported the suggestion and issued a decree setting up a committee to arrange for a kurultai discussing matters relating to the strengthening of inter-ethnic concord and friendship among the peoples of Kyrgyzstan.

519. The first kurultai of the people of Kyrgyzstan, held on 22 January 1994, decided to convene an Assembly of the People of Kyrgyzstan: a grass-roots public organization whose function it is to express the national interests of the ethnic groups that make up the people of Kyrgyzstan and ensure nationwide solidarity in the Republic. Convening the Assembly of the People of Kyrgyzstan was a novel and, as time has shown, effective way of shaping a social-cum-governmental system to uphold inter-ethnic concord and civil peace in the Republic. The Assembly has in fact become a unique popular parliament giving each and every ethnic group living in Kyrgyzstan the right to be heard, a genuine House of Friendship between Peoples.

520. The Assembly's field of activities and aims were set out in its charter as follows: to promote the strengthening of inter-ethnic concord, civil peace and unity among the people of Kyrgyzstan by all possible means; to further the interests of the national minorities who together with the Kyrgyz make up the population of the country; to reconcile those interests with the interests of the Kyrgyz - the ethnic majority; to bring together all the ethnic groups in Kyrgyzstan and imbue them with universal humanistic values; to avert conflict situations, and to resist the emergence of confrontation and extremism in inter-ethnic relations. With those aims in view, the Assembly:

- promotes the acceptance into the public consciousness of the commonality of historical fortunes and long-term interests among the ethnic groups making up the Kyrgyzstan people, and fosters interaction between, and the mutual enrichment of, their cultures;

- fosters the activities of public ethnic-culture groups and associations;

- fosters, on the basis of the relevant democractic procedures and international standards, the exercise by national minorities of their right to take part in public and national life, especially in settling issues affecting their interests;

- can establish a variety of educational, cultural, religious and human rights organizations to preserve and promote national minorites' ethnic, linguistic, cultural and religious identitites;

- devises and carries out, and where necessary brings to the attention of the President, the Zhogorku Kenesh and the Government, activities to preserve and promote the spiritual, moral and physical health of each ethnic group, national minorities'ethnic, cultural, linguistic and religious identities and their languages, self-images, morals and habits, and to tackle the special problems of the Kyrgyz associated with preserving their cultural heritage and developing their native language;

- studies the state of ethnic and inter-ethnic problems, and makes proposals to local authorities on means of solving them;

- represents the interests of the ethnic groups living in the Kyrgyz Republic within international non-governmental organizations concerned with ethnic questions.

521. The Assembly has been involved in discussions on a range of legislative proposals including a bill "On the protection of national minority rights"; it has drafted amendments to the Law on Public Associations and proposed amendments to the Law on Elections. These amendments seek to increase the role of the People's Assembly of Kyrgyzstan in representing the interests of all ethnic groups and protecting the rights of national minorities.

522. One distinctive outcome of this phase in the Assembly's work was to initiate work on a presidential decree "On the status of the Council of the People's Assembly of Kyrgyzstan", which the President signed on 14 January 1997. The decree gives the Council of the Assembly the status of an advisory and consultative body to the President on inter-ethnic relations and nationalities policy.

523. Since its inception, the Assembly has devoted a great deal of attention to fostering the renaissance and development of national cultures and languages, lending its support to efforts in this direction by the National-Cultural Centres. Thanks to its efforts, many of the latter have secured a nationwide platform and stage. They have taken part in pan-ethnic celebrations, and have been especially active in marking the 1000th anniversary of the "Manas" epic and the anniversaries of outstanding public figures, cultural figures and scholars from the various peoples that inhabit Kyrgyzstan.

524. There is a tendency in cultural policy to move from the cultivation of aesthetic tastes and mass cultural events to an all-embracing approach to the development of culture: ethnically based education, ethnically based mass media and the intellectual potential of particular ethnic groups.

525. The Assembly's Information and Research Centre was set up in January 1996. In 1996 the Centre launched a programme of international seminars on protecting the rights of national minorities and on inter-ethnic relations, under the aegis of the Assembly of Peoples of Kyrgyzstan and with support from the OSCE High Commissioner on National Minorities, Mr. van der Stoel.

526. The adoption of the national concept for stable human development requires the analysis of certain problems which make up the unique character of Kyrgyzstan, and that require more concentrated attention and effort to be given a higher profile. In particular, among such problems one could certainly include the whole set of issues that surround the achievement of stable ethnic development and improvement of inter-ethnic relations. The concept of stable human development in a multi-ethnic State must necessarily cover the following issues:

- guaranteeing observance of the rights and liberties of national minorities;
- developing and applying an adequate systems of indices for measuring the level of ethnic development and its trends;
- State measures to ensure that opportunities for different ethnic groups to achieve social fulfilment and become more equal, particularly for those groups which were treated unfairly earlier;
- State support to national groups in developing their culture and languages;

- taking into account specific national needs, the interests of different ethnic groups, etc.

527. Under article 16 of the Constitution of the Kyrgyz Republic, every person has the right to freedom of thought, conscience and religion. Under the Kyrgyz Republic's Law "On freedom of religion and of religious organizations", the freedom of religion guaranteed by the Constitution of the Kyrgyz Republic includes the right of every citizen to determine his attitude to religion freely and independently, to confess any religion alone or together with others or to confess none, and equally to express and disseminate convictions related to attitude to religion (art. 3).

528. The Government, under its national "Kyrgyzstan Our Common Home" programme, has been taking steps to create National-Cultural Centres to ensure: freedom of communication in any language; the right to education, work, and equal participation in public and political life; it has been setting up ethnically based general schools, children's institutions and institutes of higher education (the Slav University, the Kyrgyz-Uzbek University).

529. The Republic now has functioning National-Cultural Centres; ethnic groups living in compact communities (Dungans, Germans, Uighurs and other nationalities) have their own newspapers and schools where the teaching is given in their languages and are entitled to broadcast over State televison and radio; all national minorities and ethnic groups have equal rights and responsibilities - the same as those of the entire people of Kyrgyzstan - related to satisfying their religious needs and requirements. Whether Russian should be given official status as a language is currently under discussion. In spite of the shockwave that followed the break-up of the former Soviet Union in 1991, dividing people and former republics of the Union, people of different nationalities continue to coexist peacefully in Kyrgyzstan.

530. The Government is working closely with the OCSE High Commissioner on National Minorities, who is providing cooperation and technical assistance in addressing the problems of achieving inter-ethnic concord within the country and in protecting national minority rights.

Conclusion

531. The Kyrgyz Republic needed to create an effective mechanism to implement the obligations undertaken by virtue of membership of the Covenant. For this purpose, and also to support the President of the Kyrgyz Republic in the exercise of his powers as guarantor of human and civil rights and freedoms, a Presidential Decree dated 5 July 1997 brought into being a Commission on Human Rights, reporting to the President. The tasks of this Commission are:

(a) To create conditions for the exercise by the President of KR of his powers as guarantor of human and civil rights and freedoms;

(b) To assist in perfecting the mechanism for securing and protecting human and civil rights and liberties;

(c) To develop collaboration with international organizations, and public and non-governmental organizations abroad working in the sphere of human rights and liberties.

532. Judges at every level must, as in all civilized countries, constitute part of an effective mechanism to protect human rights and to ensure compliance with international conventions on human rights. Recently, judges in the Kyrgyz Republic underwent evaluation, which hopefully will prove to have been a pioneering step, and in the near future a law is to be adopted which will not only secure the absolute independence of judges, but also guarantee their competence and absence of bias.

533. Kyrgyzstan is adopting appropriate measures aimed at realizing human rights and freedoms in practice. The work of drafting new laws in accordance with the provisions of the Covenant is in progress. The Parliament of the Republic is considering a draft law on instituting the post of Commissioner for Human Rights, to provide an effective mechanism for the protection of human rights.